

State of Illinois
91st General Assembly
Final Senate Journal

SENATE

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SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

39TH LEGISLATIVE DAY

WEDNESDAY, MAY 5, 1999

12:00 O'CLOCK NOON

The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Pastor Thomas Christell, Grace Lutheran Church,
Springfield, Illinois.
Senator Sieben led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, April 28, 1999, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, April 29, 1999, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Myers moved that reading and approval of the Journal of Tuesday, May 4, 1999 be postponed pending arrival of the printed Journal.

The motion prevailed.

LEGISLATIVE MEASURES FILED

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to House Bill 542
Senate Amendment No. 1 to House Bill 1617
Senate Amendment No. 1 to House Bill 1832
Senate Amendment No. 1 to House Bill 2330

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REPORTS FROM STANDING COMMITTEES

Senator Sieben, Chairperson of the Committee on Agriculture and Conservation to which was referred **House Bill No. 512** reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Sieben, Chairperson of the Committee on Agriculture and Conservation to which was referred **House Bills numbered 1897 and 1968** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Cronin, Chairperson of the Committee on Education to which was referred **House Bills numbered 124, 230, 534, 1274, 1333, 1728 and 1816** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Cronin, Chairperson of the Committee on Education to which was referred **House Bills numbered 17, 80, 878, 1134, 1657, 1670, 1722 and 1812** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred **House Bills numbered 387, 1279 and 1409** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred **House Bills numbered 47, 95 and 2031** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **House Bills numbered 105, 238, 408, 526, 774, 839,**

873, 934, 1099, 1100, 1162, 1278, 1285, 1304, 1321, 1370, 1392, 1774, 1813, 1896, 2037, 2103, 2176, 2219, 2272, 2351, 2610 and 2617 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **House Bills numbered 31, 90, 227, 251, 631, 734, 777, 1195, 1286, 1305, 1720, 1762, 1817, 1845, 2038, 2042, 2098, 2726, 2727 and 2845** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Fawell, Chairperson of the Committee on Transportation to which was referred **House Bill No. 1869** reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Fawell, Chairperson of the Committee on Transportation to which was referred **House Bills numbered 536, 720 and 1408** reported

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the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Fawell, Chairperson of the Committee on Transportation to which was referred **Senate floor Amendment No. 2 to House Bill No. 1972**, reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Fawell, Chairperson of the Committee on Transportation to which was referred **Senate floor Amendment No. 1 to House Bill No. 2085**, reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Fawell, Chairperson of the Committee on Transportation to which was referred **Senate floor Amendment No. 1 to House Bill No. 2823**, reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

MESSAGE FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
ILLINOIS SENATE**

May 5, 1999

Mr. Jim Harry
Secretary of the Senate
403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 2-10 of the Rules of the State Senate of the 91st General Assembly, I have attached hereto the schedule of session days for the 1999 Fall Veto Session of the Illinois State Senate.

Sincerely,

s/James "Pate" Philip
President of the Senate

Attachment

cc: Senate Minority Leader Jones

1999 FALL VETO SESSION

NOVEMBER - 1999:

4 - SESSION
16 - SESSION
17 - SESSION

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18 - SESSION
30 - SESSION

DECEMBER - 1999:

1 - SESSION
2 - SESSION

MESSAGE FROM THE SECRETARY OF STATE

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE
Secretary of State

May 5, 1999

Honorable Members
Illinois State Senate
Ninety-First General Assembly

Springfield, IL 62706

Dear Senators:

I am withdrawing the name of James L. Wright contained in the message to the Senate on April 20, 1999-B, for appointment to the Secretary of State Merit Commission due to a serious illness.

Today, I have nominated and appointed the following named person to the office enumerated below and respectfully ask concurrence in and confirmation of this appointment by your Honorable Body:

COMMISSIONER OF THE MERIT COMMISSION FOR
THE OFFICE OF THE SECRETARY OF STATE

To be a Commissioner of the Merit Commission for the Office of the Secretary of State for a term ending June 30, 2003.

Mike Masterson of Springfield
Salaried

Thank you for your consideration.

Sincerely,

s/Jesse White
Secretary of State

Under the rules, the foregoing Message was referred to the Committee on Executive Appointments.

At the hour of 12:24 o'clock p.m., Senator Dudycz presiding.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the

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House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 167

A bill for AN ACT concerning real property.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 167

Passed the House, as amended, May 4, 1999.

AMENDMENT NO. 1 TO SENATE BILL 167

AMENDMENT NO. 1. Amend Senate Bill 167 as follows:
on page 1, by replacing line 4 with the following:

"ARTICLE 5.

Section 5-5. Upon the payment of the sum of \$1 and other good and valuable consideration, pursuant to and conditioned upon the execution of an intergovernmental agreement entered into by the Department of Human Services and the Village of Tinley Park, to the"; and

on line 8, after "deed", by inserting the following:

", subject to the condition that should the property conveyed under this Section ever not be used by the grantee for public purposes, then title shall revert to the State of Illinois without further action on the part of the State,"; and

on line 23, by changing "Section 10." to "Section 5-10."; and

on page 2, after line 12, by inserting the following:

"This conveyance is subject to the condition that in the event that the property ceases to be used by the United Cerebral Palsy Association of Greater Chicago for the provision of services and/or support for people with disabilities, or if the United Cerebral Palsy Association of Greater Chicago conveys or attempts to convey all or any portion of the land to another party, then title to the land shall revert to the State of Illinois without further action by the State. Any deed or deeds executed under this Section shall include appropriate provisions to effectuate the purpose of this Section."; and

on line 13, by changing "Section 15." to "Section 5-15."; and

after line 21, by inserting the following:

"ARTICLE 10.

Section 10-5. Upon the payment to the State of Illinois of an amount to be negotiated by the parties in interest and according to the terms of an agreement between the Lockport Township Park District and the Director of Corrections, the Director of Corrections is authorized to convey by quitclaim deed to the Lockport Township Park District all right, title, and interest in and to the following described land in Will County, Illinois:

The NE 1/4 of the NW 1/4 of Section 21-36-10 and the SE 1/4 of the NW 1/4 of Section 21-36-10, (approximately 80 acres), all in Township 36 North, Range 10 East of the Third Principal Meridian in Will County, Illinois.

Section 10-10. The Director of Corrections shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, the appropriate Sections containing the land descriptions of property to be transferred, and this Section within 60 days after this Act's effective date and, upon receipt of payment required by the appropriate Sections, shall record

the certified document in the Recorder's office in the county in which the land is located.

ARTICLE 15.

Section 15-5. Upon the payment to the State of Illinois of an

amount to be negotiated by the parties in interest and according to the terms of an agreement between the Will County Department of Highways and the Director of Corrections, the Director of Corrections is authorized to convey by quitclaim deed to the Will County Department of Highways all right, title, and interest in and to the following described land in Will County, Illinois:

That Part of the South Half of Section 29, Township 36 North, Range 10 East of the Third Principal Meridian, Lockport Township, Will County, Illinois, described as follows: Beginning at the Southeast corner of the Southwest Quarter of the above said Section 29; thence westerly along the south boundary of the above said Southwest Quarter 660.22 feet to the west boundary of the Stateville Penitentiary; thence northerly 450.00 feet along that boundary; thence easterly to a point which is 430.01 feet east and 450.00 feet north of the point of beginning; thence South 450.00 feet to the south line of the Southeast Quarter of Section 29; thence West and at a 90 degree angle from the last described course, 430.01 feet to the point of beginning. Containing 10 acres, more or less. Acreage based on that portion outside the limits of a 50 foot right of way.

Section 15-10. The Director of Corrections shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, the appropriate Sections containing the land descriptions of property to be transferred, and this Section within 60 days after this Act's effective date and, upon receipt of payment required by the appropriate Sections, shall record the certified document in the Recorder's office in the county in which the land is located."

Under the rules, the foregoing **Senate Bill No. 167**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 435

A bill for AN ACT concerning real estate timeshare interests and repealing a named Act.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 435

Passed the House, as amended, May 4, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 435

AMENDMENT NO. 1. Amend Senate Bill 435 on page 9, by replacing lines 10 through 33 with the following:

"Section 5-10. Exempt communications.

(a) The following communications are exempt from the provisions of this Act:

(1) Any stockholder communication such as an annual report

or interim financial report, proxy material, a registration statement, a securities prospectus, a registration, a property report, or other material required to be delivered to a prospective purchaser by an agency of any state or the federal government.

(2) Any oral or written statement disseminated by a developer to broadcast or print media, other than paid advertising or promotional material, regarding plans for the acquisition or development of timeshare property. However, any rebroadcast or any other dissemination of such oral statements to a prospective purchaser by a seller in any manner, or any distribution of copies of newspaper magazine articles or press releases, or any other dissemination of such written statements to a prospective purchaser by a seller in any manner, shall constitute an advertisement.

(3) Any advertisement or promotion in any medium to the general public if such advertisement or promotion clearly states that it is not an offer in any jurisdiction in which any applicable registration requirements have not been fully satisfied.

(4) Any audio, written, or visual publication or material relating to the availability of any accommodations for transient rental, so long as a sales presentation is not a term or condition of the availability of such accommodations and so long as the failure of any transient renter to take a tour of a timeshare property or attend a sales presentation does not result in any reduction in the level of services which would otherwise be available to such transient renter.

(b) The following communications are exempt from the provisions of this Act, provided they are delivered to any person who has previously executed a contract for the purchase of or is an existing owner of a timeshare interest in a timeshare plan:

(1) Any communication addressed to and relating to the account of any person who has previously executed a contract for the sale or purchase of a timeshare period in a timeshare plan to which the communication relates.

(2) Any audio, written, or visual publication or material relating to an exchange company or exchange program provided to an existing member of that exchange company or exchange program.

(3) Any communication by a developer to encourage a person who has previously acquired a timeshare interest from the developer to acquire additional use or occupancy rights or benefits, or additional timeshare interests, offered by the same developer."; and

on page 10, by deleting lines 1 through 24; and

on page 36, by replacing lines 24 through 26 with the following:

"Any purchase contract entered into by a purchaser of a time share interest under this Act shall be voidable by the purchaser, without"; and

on page 37, line 10, by replacing "any party" with "a purchaser"; and

on page 37, line 11, by replacing "that party" with "the purchaser";

and

on page 37, line 14, by replacing "other party" with "developer or resale agent, as applicable,"; and
on page 39, line 16, by replacing "1983." with "1983, or its successor Act and the rules adopted pursuant to that Act.".

Under the rules, the foregoing **Senate Bill No. 435**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

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Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 39

A bill for AN ACT to amend the Illinois Municipal Code by changing Sections 11-74.4-3 and 11-74.4-7.

SENATE BILL NO 72

A bill for AN ACT concerning family farm support.

SENATE BILL NO 145

A bill for AN ACT in relation to environmental protection.

SENATE BILL NO 178

A bill for AN ACT to amend the Jury Act by changing Section 10.2.

SENATE BILL NO 447

A bill for AN ACT to amend the Illinois Banking Act by changing Section 48.3.

SENATE BILL NO 759

A bill for AN ACT to amend the Juvenile Court Act of 1987 by changing Sections 5-130 and 5-805.

SENATE BILL NO 1172

A bill for AN ACT to amend the Counties Code by changing Section 5-1069.

Passed the House, May 4, 1999.

ANTHONY D. ROSSI, Clerk of the House

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator T. Walsh, **House Bill No. 252** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, **House Bill No. 279** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 279 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by changing Section 50-65 as follows:

(30 ILCS 500/50-65)

Sec. 50-65. Contractor suspension. Any contractor may be suspended for violation of this Code or any contractor may be suspended for failure to conform to specifications or terms of delivery. Suspension shall be for cause and may be for a period of up to 5 years at the discretion of the applicable chief procurement officer. Contractors may be debarred in accordance with rules promulgated by the chief procurement officer or as otherwise provided by law.

(Source: P.A. 90-572, eff. 2-6-98.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator T. Walsh, **House Bill No. 343** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 502** was taken up,

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read by title a second time and ordered to a third reading.

On motion of Senator Viverito, **House Bill No. 557** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 557 on page 1, lines 2 and 6, by replacing "4.7 and 4.11" each time it appears with "4.7, 4.11, and 4.13"; and

on page 5, by inserting below line 3 the following:

"(70 ILCS 2605/4.13) (from Ch. 42, par. 323.13)

Sec. 4.13. The following offices and places of employment, insofar as there are or may be such in the sanitary district, shall not be included within the classified civil service: All elective officers, the director of personnel, the clerk, treasurer, chief engineer, attorney, general superintendent, chief of maintenance and operation, purchasing agent, director of research and development, director of information technology, and secretary and administrative aide to the president of the board of trustees, members of the civil service board and special examiners appointed by the civil service board and the secretaries to the officers and individual trustees, and those employed for periods not exceeding 7 ~~5~~ years under any apprentice program, training or intern programs funded wholly or in part by grants from the State of Illinois or the United States of America. Further, apprentices in a sanitary district apprenticeship program for the trades shall not be included within the classified civil service. Entry into a sanitary district apprenticeship program for the trades shall be by lottery. Graduates of a sanitary district apprenticeship program for the trades shall be given additional points, in an amount to be determined by the Director of Personnel, on examinations for civil service journeyman positions in the trades at the sanitary district.

(Source: P.A. 87-370; 87-1146.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Watson, **House Bill No. 733** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 806** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

Amendment NO. 1. Amend House Bill 806 on page 8, lines 17 and 24, by replacing "\$25,000" each time it appears with "\$10,000"; and on page 8, line 22, by inserting ", when the cost will exceed \$30,000," after "construction contracts"; and on page 9, line 7, by inserting ", facsimile," after "telephone"; and on page 9, line 14, by inserting "construction contracts involving less than \$30,000 and all other" after "All" and by replacing "\$25,000" with "\$10,000"; and on page 10, line 20, by replacing "\$25,000" with "\$10,000 (or \$30,000 in the case of construction contracts)"; and on page 11, line 8, by replacing "\$25,000" with "\$10,000".

There being no further amendments, the bill, as amended, was

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ordered to a third reading.

On motion of Senator Geo-Karis, **House Bill No. 810** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, **House Bill No. 812** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, **House Bill No. 819** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 833** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Geo-Karis, **House Bill No. 854** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator W. Jones, **House Bill No. 860** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **House Bill No. 916** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 916, on page 1 by replacing lines 8 through 11 with the following:

"Sec. 3.8. Floodwater management. In counties having 3,000,000 or more inhabitants, a municipality may enter into intergovernmental agreements with a township for floodwater management in the unincorporated areas of the county."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Myers, **House Bill No. 1137** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1137 by replacing the title with the following:

"AN ACT to amend the Illinois Municipal Code."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Sections 3.1-25-20 and 4-3-5 and adding Section 3.1-20-45 as follows:
(65 ILCS 5/3.1-20-45 new)

Sec. 3.1-20-45. Nonpartisan primary elections; uncontested office. A city incorporated under this Code that elects municipal officers at nonpartisan primary and general elections shall conduct the elections as provided in the Election Code, except that no office for which nomination is uncontested shall be included on the primary ballot and no primary shall be held for that office. For the purposes of this Section, an office is uncontested when not more than two persons to be nominated for each office have timely filed valid nominating papers seeking nomination for the election to that office.

Notwithstanding the preceding paragraph, when a person (i) who has not timely filed valid nomination papers and (ii) who intends to become a write-in candidate for nomination for any office for which

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nomination is uncontested files a written statement or notice of that intent with the proper election official with whom the nomination papers for that office are filed, a primary ballot must be prepared and a primary must be held for the office. The statement or notice must be filed on or before the 61st day before the consolidated primary election. The statement must contain (i) the name and address of the person intending to become a write-in candidate, (ii) a statement that the person intends to become a write-in candidate, and (iii) the office the person is seeking as a write-in candidate. An election authority has no duty to conduct a primary election or prepare a primary ballot unless a statement meeting the requirements of this paragraph is filed in a timely manner.

(65 ILCS 5/3.1-25-20) (from Ch. 24, par. 3.1-25-20)

Sec. 3.1-25-20. Primary election. A village incorporated under this Code shall nominate and elect candidates for president and trustees in nonpartisan primary and general elections as provided in

Sections 3.1-25-20 through 3.1-25-55 until the electors of the village vote to require the partisan election of the president and trustees at a referendum in the manner provided in Section 3.1-25-65 after January 1, 1992. The provisions of Sections 3.1-25-20 through 3.1-25-55 shall apply to all villages incorporated under this Code that have operated under those Sections without the adoption of those provisions by the referendum provided in Section 3.1-25-60 as well as those villages that have adopted those provisions by the referendum provided in Section 3.1-25-60 until the electors of those villages vote to require the partisan election of the president and trustees in the manner provided in Section 3.1-25-65. Villages that have nominated and elected candidates for president and trustees in partisan elections prior to January 1, 1992, may continue to hold partisan elections without conducting a referendum in the manner provided in Section 3.1-25-65. All candidates for nomination to be voted for at all general municipal elections at which a president or trustees, or both, are to be elected under this Article shall be nominated from the village at large by a primary election, ~~except that no primary shall be held where the names of not more than 2 persons are entitled to be printed on the primary ballot as candidates for the nomination for each office to be filled at an election at which no other offices are to be filled and those persons, having filed the statement of candidacy and petition required by the general election law, shall be the candidates for office at the general municipal election.~~

Notwithstanding any other provision of law, no primary shall be held in any village when the nomination for every office to be voted upon by the electors of the village is uncontested. If the nomination of candidates is uncontested as to one or more, but not all, of the offices to be voted upon by the electors of the village, then a primary must be held in the village, provided that the primary ballot shall not include those offices in the village for which the nomination is uncontested. For the purposes of the Section, an office is uncontested when not more than the number of persons to be nominated to the office have timely filed valid nominating papers seeking nomination for election to that office.

Notwithstanding the preceding paragraph, when a person (i) who has not timely filed valid nomination papers and (ii) who intends to become a write-in candidate for nomination for any office for which nomination is uncontested files a written statement or notice of that intent with the proper election official with whom the nomination papers for that office are filed, a primary ballot must be prepared and a primary must be held for the office. The statement or notice must be filed on or before the 61st day before the consolidated primary election. The statement must contain (i) the name and

address of the person intending to become a write-in candidate, (ii) a statement that the person intends to become a write-in candidate, and (iii) the office the person is seeking as a write-in candidate. An election authority has no duty to conduct a primary election or prepare a primary ballot unless a statement meeting the requirements of this paragraph is filed in a timely manner.

Only the names of those persons nominated in the manner

prescribed in Sections 3.1-25-20 through 3.1-25-65 shall be placed on the ballot at the general municipal election. The village clerk shall certify the offices to be filled and the candidates for those offices to the proper election authority as provided in the general election law. A primary for those offices, if required, shall be held in accordance with the general election law.

(Source: P.A. 87-1119.)

(65 ILCS 5/4-3-5) (from Ch. 24, par. 4-3-5)

Sec. 4-3-5. All candidates for nomination to be voted for at all general municipal elections at which a mayor and 4 commissioners are to be elected under this article shall be nominated from the municipality at large by a primary election, ~~except that no primary shall be held where the names of not more than 2 persons are entitled to be printed on the primary ballot as a candidate for the nomination for each office to be filled at an election at which no other offices are to be voted on and such persons, having filed the statement of candidacy and petition required by the general election law shall be the candidates for office at the general municipal election.~~

Notwithstanding any other provision of law, no primary shall be held in any municipality when the nomination for every office to be voted upon by the electors of the municipality is uncontested. If the nomination of candidates is uncontested as to one or more, but not all, of the offices to be voted upon by the electors of the municipality, then a primary must be held in the municipality, provided that the primary ballot shall not include those offices in the municipality for which the nomination is uncontested. For the purposes of this Section, an office is uncontested when not more than the number of persons to be nominated to the office have timely filed valid nominating papers seeking nomination for election to that office.

Notwithstanding the preceding paragraph, when a person (i) who has not timely filed valid nomination papers and (ii) who intends to become a write-in candidate for nomination for any office for which nomination is uncontested files a written statement or notice of that intent with the proper election official with whom the nomination papers for that office are filed, a primary ballot must be prepared and a primary must be held for the office. The statement or notice must be filed on or before the 61st day before the consolidated primary election. The statement must contain (i) the name and address of the person intending to become a write-in candidate, (ii) a statement that the person intends to become a write-in candidate, and (iii) the office the person is seeking as a write-in candidate. An election authority has no duty to conduct a primary election or prepare a primary ballot unless a statement meeting the requirements of this paragraph is filed in a timely manner.

Only the names of those persons nominated in the manner prescribed in this article shall be placed upon the ballot at the general municipal election. The municipal clerk shall certify the offices to be filled and the candidates therefor to the proper election authority as provided in the general election law.

A primary for such offices, if required, shall be held in accordance with the provisions of the general election law.

(Source: P.A. 81-1490.)

Section 99. Effective date. This Act takes effect upon becoming

law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 1165** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1165 by replacing the title with the following:

"AN ACT to amend the Illinois Municipal Code."; and by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Sections 10-1-18 and 10-2.1-17 as follows:

(65 ILCS 5/10-1-18) (from Ch. 24, par. 10-1-18)

Sec. 10-1-18. (a) Except as hereinafter provided in this Section, no officer or employee in the classified civil service of any municipality who is appointed under the rules and after examination, may be removed or discharged, or suspended for a period of more than 30 days, except for cause upon written charges and after an opportunity to be heard in his own defense. The hearing shall be as hereinafter provided, unless the employer and the labor organization representing the person have negotiated an alternative or supplemental form of due process based upon impartial arbitration as a term of a collective bargaining agreement. In non-home rule units of government, such bargaining shall be permissive rather than mandatory unless such contract term was negotiated by the employer and the labor organization prior to or at the time of the effective date of this amendatory Act, in which case such bargaining shall be considered mandatory.

Such charges shall be investigated by or before the civil service commission, or by or before some officer or board appointed by the commission to conduct that investigation. The finding and decision of that commission or investigating officer or board, when approved by the commission, shall be certified to the appointing officer, and shall forthwith be enforced by that officer. Before any officer or employee in the classified service of any municipality may be interrogated or examined by or before any disciplinary board, or departmental agent or investigator, the results of which hearing, interrogation or examination may be the basis for filing charges seeking his removal or discharge, he must be advised in writing as to what specific improper or illegal act he is alleged to have committed; he must be advised in writing that his admissions made in the course of the hearing, interrogation or examination may be used as the basis for charges seeking his removal or discharge; and he must be advised in writing that he has the right to counsel of his own choosing present to advise him at any hearing, interrogation or examination; and a complete record of any hearing, interrogation or examination shall be made and a complete transcript thereof made available to such officer or employee without charge and without delay. Nothing in this Division 1 limits the power of any officer to suspend a subordinate for a reasonable period, not exceeding 30 days

except that any employee or officer suspended for more than 5 days or suspended within 6 months after a previous suspension shall be entitled, upon request, to a hearing before the civil service commission concerning the propriety of such suspension. In the course of an investigation of charges, each member of the commission, and of any board so appointed by it, and any officer so appointed,

may administer oaths and may secure by its subpoena both the attendance and testimony of witnesses, and the production of books and papers relevant to the investigation. Nothing in this Section shall be construed to require such charges or investigation in cases of persons having the custody of public money for the safe keeping of which another person has given bonds.

This subsection (a) does not apply to police or firefighters in the classified civil service of a municipality of 500,000 or fewer inhabitants.

(b) No officer or employee of a police or fire department in the classified civil service of any municipality having 500,000 or fewer inhabitants who is appointed under the rules and after examination, may be removed or discharged, or suspended for a period of more than 5 calendar days, except for cause upon written charges and after an opportunity to be heard in his own defense. The hearing shall be as hereinafter provided, unless the employer and the labor organization representing the person have negotiated an alternative or supplemental form of due process based upon impartial arbitration as a term of a collective bargaining agreement. In non-home rule units of government, such bargaining shall be permissive rather than mandatory unless such contract term was negotiated by the employer and the labor organization prior to or at the time of the effective date of this amendatory Act, in which case such bargaining shall be considered mandatory.

Such charges shall be investigated by or before the civil service commission, or by or before some officer or board appointed by the commission to conduct that investigation. The finding and decision of that commission or investigating officer or board, when approved by the commission, shall be certified to the appointing officer, and shall forthwith be enforced by that officer. Before any such officer or employee of a police or fire department may be interrogated or examined by or before any disciplinary board, or departmental agent or investigator, the results of which hearing, interrogation or examination may be the basis for filing charges seeking his removal or discharge, he must be advised in writing as to what specific improper or illegal act he is alleged to have committed; he must be advised in writing that his admissions made in the course of the hearing, interrogation or examination may be used as the basis for charges seeking his removal or discharge; and he must be advised in writing that he has the right to have counsel of his own choosing present to advise him at any hearing, interrogation or examination; and a complete record of any hearing, interrogation or examination shall be made and a complete transcript thereof made available to such officer or employee without charge and without delay. Nothing in this Division 1 limits the power of the chief officer of a police or fire department to suspend a subordinate for a reasonable period, not

exceeding 5 calendar days, provided the civil service commission is promptly notified thereof in writing. Any employee or officer so suspended shall be entitled, upon request, to a hearing before the civil service commission concerning the propriety of such suspension. Upon such hearing, the commission may sustain the action of the chief of the department, may reverse it with instructions that the person receive his pay for the period involved, or may suspend the person for an additional period of not more than 30 days or discharge him, depending upon the facts presented. In the course of an investigation of charges, each member of the commission, and of any board so appointed by it, and any officer so appointed, may administer oaths and may secure by its subpoena both the attendance and testimony of witnesses, and the production of books and papers relevant to the investigation. If the charge is based upon an allegation of the use of unreasonable force by a police officer, the charge must be brought

within 5 years after the commission of the act upon which the charge is based. The statute of limitations established in this Section 10-1-18(b) shall apply only to acts of unreasonable force occurring on or after the effective date of this amendatory Act of 1992.

(c) Whenever the corporate authorities of any municipality in which this Division 1 is in operation, designates by ordinance or whenever any general law of this state designates any specific age of not less than 63 years as the maximum age for legal employment of policemen or firemen in the service of any municipality which has adopted or shall adopt this Division 1 or designates any minimum age for the automatic or compulsory retirement of policemen or firemen in the service of that municipality, any such policeman or fireman to whom such ordinance or law may refer or apply upon attaining the designated age of 63 years or upwards as set out in the ordinance or law shall forthwith and immediately be retired from the service of that municipality in accordance with the terms or provisions of that ordinance or law. The civil service commission of the municipality shall discharge or retire automatically any policeman or fireman in the classified civil service of the municipality at the time and in the manner provided in that ordinance or law and certify the retirement or discharge to the proper branch or department head. In the case of any such policeman or fireman who has filed an application for appointment in the classified civil service of the municipality, the age stated in that application shall be conclusive evidence against that policeman or fireman of his age, but the civil service commission (except as respects police department officers and employees in municipalities of more than 500,000 population where the Police Board shall exercise these powers as provided in Section 10-1-18.1) may hear testimony and consider all evidence available in any case in which any charge is filed against any such policeman or fireman alleging that he understated his age in his application for appointment into the classified civil service of the municipality.

In addition to all the other powers now granted by law, the corporate authorities of any municipality which has adopted or shall adopt this Division 1 may by ordinance provide an age limit of not less than 63 years as the maximum age for the legal employment of any person employed as a policeman or fireman under this Division 1, and

may provide in that ordinance for the automatic or compulsory retirement and discharge of the policeman or fireman upon his attainment of the designated retirement age.

This Section does not apply to the suspension, removal or discharge of officers and civilian employees of the police department in the classified civil service of a municipality of more than 500,000 but that disciplinary action may be taken by the Police Board, rather than the civil service commission, as provided in Section 10-1-18.1.

(d) Commencing on January 1, 1993, each board or other entity responsible for determining whether or not to file a charge shall, no later than December 31 of each year, publish a status report on its investigations of allegations of unreasonable force. At a minimum, the status report shall include the following information:

(1) the number of police officers against whom an allegation of unreasonable force was made;

(2) the number of allegations of unreasonable force made against each such police officer;

(3) the number of police officers against whom disciplinary charges were filed on the basis of allegations of unreasonable force;

(4) a listing of investigations of allegations of unreasonable force pending as of the date of the report, together with the dates on which such allegations were made; and

(5) a listing of allegations of unreasonable force for which the board has determined not to file charges.

These status reports shall not disclose the identity of any witness or victim, nor shall they disclose the identity of any police officer who is the subject of an allegation of unreasonable force against whom a charge has not been filed. The information underlying these status reports shall be confidential and exempt from public inspection and copying, as provided under Section 7 of the Freedom of Information Act.

(Source: P.A. 87-1239.)

(65 ILCS 5/10-2.1-17) (from Ch. 24, par. 10-2.1-17)

Sec. 10-2.1-17. Removal or discharge; investigation of charges; retirement. Except as hereinafter provided, no officer or member of the fire or police department of any municipality subject to this Division 2.1 shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense. The hearing shall be as hereinafter provided, unless the employer and the labor organization representing the person have negotiated an alternative or supplemental form of due process based upon impartial arbitration as a term of a collective bargaining agreement. In non-home rule units of government, such bargaining shall be permissive rather than mandatory unless such contract term was negotiated by the employer and the labor organization prior to or at the time of the effective date of this amendatory Act, in which case such bargaining shall be considered mandatory.

If the chief of the fire department or the chief of the police department or both of them are appointed in the manner provided by ordinance, they may be removed or discharged by the appointing

authority. In such case the appointing authority shall file with the corporate authorities the reasons for such removal or discharge, which removal or discharge shall not become effective unless confirmed by a majority vote of the corporate authorities. The board of fire and police commissioners shall conduct a fair and impartial hearing of the charges, to be commenced within 30 days of the filing thereof, which hearing may be continued from time to time. In case an officer or member is found guilty, the board may discharge him, or may suspend him not exceeding 30 days without pay. The board may suspend any officer or member pending the hearing with or without pay, but not to exceed 30 days. If the Board of Fire and Police Commissioners determines that the charges are not sustained, the officer or member shall be reimbursed for all wages withheld, if any. In the conduct of this hearing, each member of the board shall have power to administer oaths and affirmations, and the board shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to the hearing.

The age for retirement of policemen or firemen in the service of any municipality which adopts this Division 2.1 is 65 years, unless the Council or Board of Trustees shall by ordinance provide for an earlier retirement age of not less than 60 years.

The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the board of fire and police commissioners hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Nothing in this Section shall be construed to prevent the chief of the fire department or the chief of the police department from suspending without pay a member of his department for a period of not more than 5 calendar days, but he shall notify the board in writing of such suspension. The hearing shall be as hereinafter

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provided, unless the employer and the labor organization representing the person have negotiated an alternative or supplemental form of due process based upon impartial arbitration as a term of a collective bargaining agreement. In non-home rule units of government, such bargaining shall be permissive rather than mandatory unless such contract term was negotiated by the employer and the labor organization prior to or at the time of the effective date of this amendatory Act, in which case such bargaining shall be considered mandatory.

Any policeman or fireman so suspended may appeal to the board of fire and police commissioners for a review of the suspension within 5 calendar days after such suspension, and upon such appeal, the board may sustain the action of the chief of the department, may reverse it with instructions that the man receive his pay for the period involved, or may suspend the officer for an additional period of not more than 30 days or discharge him, depending upon the facts presented.

(Source: P.A. 85-915.)

Section 99. Effective date. This Act takes effect upon becoming

law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Cronin, **House Bill No. 1193** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1193 on page 1, line 25, after "security", by inserting ", including but not limited to portable metal detectors".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Luechtefeld, **House Bill No. 1318** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator L. Walsh, **House Bill No. 1538** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Viverito, **House Bill No. 1617** was taken up and read by title a second time.

Floor Amendment No. 1 was filed earlier today and referred to the Committee on Rules.

There being no further amendments the bill was ordered to a third reading.

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, reported that **House Bills numbered 303 and 373** have been re-referred from the Committee on Appropriations to the Committee on Rules and have been approved for consideration by the Rules Committee.

Under the rules, the bills were ordered to a second reading.

Senator Weaver, Chairperson of the Committee on Rules, reported that the Committee recommends that **Senate Amendment No. 1 to House**

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Bill No. 2180, having been approved for consideration by the Rules Committee on May 4, 1999, be re-referred to the Committee on Revenue.

Senator Weaver, Chairperson of the Committee on Rules, during its May 5, 1999 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Public Health and Welfare: **Senate Amendment No. 1 to House Bill 1832.**

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator T. Walsh, **House Bill No. 1697** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 1841** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1841 by replacing the title with the following:

"AN ACT concerning voting at elections."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 7-66, 15-6, 16-11, 17-43, 18-40, 19-2.1, 19-7, 19-8, 19-9, 19-10, 19-12.2, 19-15, 20-2, 20-2.1, 20-2.2, 20-7, 20-8, 20-9, 20-15, and 24B-3 and by adding Article 24C as follows:

(10 ILCS 5/7-66)

Sec. 7-66. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles the Article are in conflict with the provisions of this Article 7, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/15-6)

Sec. 15-6. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles the Article are in conflict with the provisions of this Article 15, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election

authority is authorized to develop and implement procedures to fully

utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/16-11)

Sec. 16-11. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of ~~those Articles the Article~~ are in conflict with the provisions of this Article 16, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/17-43)

Sec. 17-43. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of ~~those Articles the Article~~ are in conflict with the provisions of this Article 17, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/18-40)

Sec. 18-40. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C, and the provisions of ~~those Articles the Article~~ are in conflict with the provisions of this Article 18, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully

utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in

conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

Sec. 19-2.1. At the consolidated primary, general primary, consolidated, and general ~~and nonpartisan~~ elections, electors entitled to vote by absentee ballot under the provisions of Section 19-1 may vote in person at the office of the municipal clerk, if the elector is a resident of a municipality not having a board of election commissioners, or at the office of the township clerk or, in counties not under township organization, at the office of the road district clerk if the elector is not a resident of a municipality; provided, in each case that the municipal, township or road district clerk, as the case may be, is authorized to conduct in-person absentee voting pursuant to this Section. Absentee voting in such municipal and township clerk's offices under this Section shall be conducted from the 22nd day through the day before the election.

Municipal and township clerks (or road district clerks) who have regularly scheduled working hours at regularly designated offices other than a place of residence and whose offices are open for business during the same hours as the office of the election authority shall conduct in-person absentee voting for said elections. Municipal and township clerks (or road district clerks) who have no regularly scheduled working hours but who have regularly designated offices other than a place of residence shall conduct in-person absentee voting for said elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on Saturdays, but not during such hours as the office of the election authority is closed, unless the clerk files a written waiver with the election authority not later than July 1 of each year stating that he or she is unable to conduct such voting and the reasons therefor. Such clerks who conduct in-person absentee voting may extend their hours for that purpose to include any hours in which the election authority's office is open. Municipal and township clerks (or road district clerks) who have no regularly scheduled office hours and no regularly designated offices other than a place of residence may not conduct in-person absentee voting for said elections. The election authority may devise alternative methods for in-person absentee voting before said elections for those precincts located within the territorial area of a municipality or township (or road district) wherein the clerk of such municipality or township (or road district) has waived or is not entitled to conduct such voting. In addition, electors may vote by absentee ballot under the provisions of Section 19-1 at the office of the election authority having jurisdiction over their residence.

In conducting absentee voting under this Section, the respective clerks shall not be required to verify the signature of the absentee voter by comparison with the signature on the official registration record card. However, the clerk shall reasonably ascertain the

identity of such applicant, shall verify that each such applicant is a registered voter, and shall verify the precinct in which he or she is registered and the proper ballots of the political subdivisions in which the applicant resides and is entitled to vote, prior to providing any absentee ballot to such applicant. The clerk shall verify the applicant's registration and from the most recent poll list provided by the county clerk, and if the applicant is not listed on that poll list then by telephoning the office of the county clerk.

Absentee voting procedures in the office of the municipal, township and road district clerks shall be subject to all of the applicable provisions of this Article 19. Pollwatchers may be appointed to observe in-person absentee voting procedures at the

office of the municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers shall be residents of the county and possess valid pollwatcher credentials. All requirements in this Article applicable to election authorities shall apply to the respective local clerks, except where inconsistent with this Section.

In election jurisdictions that deliver absentee ballots to the polling place to be counted by the precinct judges on election day, the sealed absentee ballots in their carrier envelope shall be delivered by the respective clerks to the proper polling place before the close of the polls on the day of the ~~nonpartisan~~, general primary, consolidated primary, consolidated, or general election.

In election jurisdictions that count absentee ballots in the office of the election authority on election day, the sealed absentee ballots in their carrier envelope shall be delivered to the office of the election authority by the respective clerks before the close of the polls on the day of the general primary, consolidated primary, consolidated, or general election.

Not more than 23 days before the ~~nonpartisan~~, general and consolidated elections, the county clerk shall make available to those municipal, township and road district clerks conducting in-person absentee voting within such county, a sufficient number of applications, absentee ballots, envelopes, and printed voting instruction slips for use by absentee voters in the offices of such clerks. The respective clerks shall receipt for all ballots received, shall return all unused or spoiled ballots to the county clerk on the day of the election and shall strictly account for all ballots received.

The ballots delivered to the respective clerks shall include absentee ballots for each precinct in the municipality, township or road district, or shall include such separate ballots for each political subdivision conducting an election of officers or a referendum on that election day as will permit any resident of the municipality, township or road district to vote absentee in the office of the proper clerk.

The clerks of all municipalities, townships and road districts

may distribute applications for absentee ballot for the use of voters who wish to mail such applications to the appropriate election authority. Such applications for absentee ballots shall be made on forms provided by the election authority. Duplication of such forms by the municipal, township or road district clerk is prohibited. (Source: P.A. 86-875.)

(10 ILCS 5/19-7) (from Ch. 46, par. 19-7)

Sec. 19-7. Upon receipt of such absent voter's ballot, the election authority shall forthwith enclose the same unopened, together with the application made by said absent voter in a large or carrier envelope which shall be securely sealed and endorsed with the name and official title of such officer and the words, "This envelope contains an absent voter's ballot and must be opened on election day," together with the number and description of the precinct in which said ballot is to be voted, and such officer shall thereafter safely keep the same in his office until counted by him as provided in this Article ~~the next section~~.

The election authority may choose (i) to have the absentee ballots delivered before the closing of the polls to their proper polling places for counting by the precinct judges or (ii) to have the absentee ballots counted in the office of the election authority

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by one or more panels of election judges appointed in the manner provided for in this Code and consisting of one judge from each of the 2 leading established political parties in this State.

(Source: P.A. 81-155.)

(10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

Sec. 19-8. In election jurisdictions that deliver absentee ballots to the polling place to be counted by the precinct judges, the provisions of this Section shall apply.

In case an absent voter's ballot is received by the election authority prior to the delivery of the official ballots to the judges of election of the precinct in which said elector resides, such ballot envelope and application, sealed in the carrier envelope, shall be enclosed in such package and therewith delivered to the judges of such precinct. In case the official ballots for such precinct have been delivered to the judges of election at the time of the receipt by the election authority of such absent voter's ballot, such authority shall immediately enclose said envelope containing the absent voter's ballot, together with his application therefor, in a larger or carrier envelope which shall be securely sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which such absent voter is a qualified elector, and the words, "This envelope contains an absent voter's ballot and must be opened only on election day at the polls immediately after the polls are closed," "mailing the same, postage prepaid, to such judges of election, or if more convenient, such officer may deliver such absent voter's ballot to the judges of election in person or by duly deputized agent, said officer to secure his receipt for delivery of such ballot or ballots. Absent voters' ballots returned by absentee voters to the election authority after the closing of the polls on an election day shall be endorsed by the election authority receiving

the same with the day and hour of receipt and shall be safely kept unopened by such election authority for the period of time required for the preservation of ballots used at such election, and shall then, without being opened, be destroyed in like manner as the used ballots of such election.

All absent voters' ballots received by the election authority after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day, and Special Write-In Absentee Voter's Blank Ballots, except ballots returned by mail postmarked after midnight preceding the opening of the polls on election day, shall be endorsed by the election authority receiving the same with the day and hour of receipt and shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters' ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision; however, all absentee ballots received by the election authority by the close of absentee voting in the office of the election authority on the day preceding the day of election shall be delivered to the proper precinct polling places in time to be counted by the judges of election.

Such counting shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. Such counting shall continue until all absent voters' ballots received as aforesaid have been counted.

The procedures set forth in Section 19-9 of this Act and Articles 17 and 18 of this Code, shall apply to all absent voters' ballots counted under this provision, including comparing the signature on the ballot envelope with the signature of the voter on the permanent voter registration record card taken from the master file; except

that votes shall be recorded without regard to precinct designation, except for precinct offices.

(Source: P.A. 86-875; revised 10-31-98.)

(10 ILCS 5/19-9) (from Ch. 46, par. 19-9)

Sec. 19-9. At the close of the regular balloting and at the close of the polls the judges of election of each voting precinct or the panel or panels of judges in the office of the election authority, as the case may be, shall proceed to cast the absent voter's ballot separately, and as each absent voter's ballot is taken shall open the outer or carrier envelope, announce the absent voter's name, and compare the signature upon the application with the signature upon the certification on the ballot envelope and the signature of the voter on the permanent voter registration record card. In case the judges find the certifications properly executed, that the signatures correspond, that the applicant is a duly qualified elector in the precinct and the applicant has not been present and voted within the county where he represents himself to be a qualified elector on such election day, they shall open the envelope containing the absent voter's ballot in such manner as not to deface or destroy the certification thereon, or mark or tear the ballots therein and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined, and having endorsed

the ballot in like manner as other ballots are required to be endorsed, shall deposit the same in the proper ballot box or boxes and enter the absent voter's name in the poll book the same as if he had been present and voted in person. The judges shall place the absentee ballot certification envelopes in a separate envelope as per the direction of the election authority. Such envelope containing the absentee ballot certification envelopes shall be returned to the election authority and preserved in like manner as the official poll record.

In case such signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct or that the ballot envelope is open or has been opened and resealed, or that said voter is present and has voted within the county where he represents himself to be a qualified elector on the day of such election at such election such previously cast vote shall not be allowed, but without opening the absent voter's envelope the judge of such election shall mark across the face thereof, "Rejected", giving the reason therefor.

In case the ballot envelope contains more than one ballot of any kind, said ballots shall not be counted, but shall be marked "Rejected", giving the reason therefor.

The absent voters' envelopes and affidavits and the absent voters' envelope with its contents unopened, when such absent vote is rejected shall be retained and preserved in the manner as now provided for the retention and preservation of official ballots rejected at such election.

As applied to an absentee ballot of a permanently disabled voter who has complied with Section 19-12.1, the word "certification" as used in this Section shall be construed to refer to the unsworn statement subscribed to by the voter pursuant to Section 19-12.1.

(Source: P.A. 87-1052.)

(10 ILCS 5/19-10) (from Ch. 46, par. 19-10)

Sec. 19-10. Pollwatchers may be appointed to observe in-person absentee voting procedures at the office of the election authority as well as at municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers shall be

residents of the county and possess valid pollwatcher credentials.

In the polling place on election day, pollwatchers shall be permitted to be present during the casting of the absent voters' ballots and the vote of any absent voter may be challenged for cause the same as if he were present and voted in person, and the judges of the election or a majority thereof shall have power and authority to hear and determine the legality of such ballot; Provided, however, that if a challenge to any absent voter's right to vote is sustained, notice of the same must be given by the judges of election by mail addressed to the voter's place of residence.

Where ~~certain~~ absent voters' ballots are counted on the day of the election in the office of the election authority as provided in this Article Section 19-8 of this Act, each political party,

candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned. Such pollwatchers shall be subject to the same provisions as are provided for pollwatchers in Sections 7-34 and 17-23 of this Code, and shall be permitted to observe the election judges making the signature comparison between that which is on the absentee ballot application and that which is on the ballot envelope and ~~that which is on~~ the permanent voter registration record card taken from the master file.

(Source: P.A. 86-875.)

(10 ILCS 5/19-12.2) (from Ch. 46, par. 19-12.2)

Sec. 19-12.2. Voting by physically incapacitated electors who have made proper application to the election authority not later than 5 days before the regular primary and general election of 1980 and before each election thereafter shall be conducted on the premises of facilities licensed or certified pursuant to the Nursing Home Care Act for the sole benefit of residents of such facilities. Such voting shall be conducted during any continuous period sufficient to allow all applicants to cast their ballots between the hours of 9 a.m. and 7 p.m. either on the Friday, Saturday, Sunday or Monday immediately preceding the regular election. This absentee voting on one of said days designated by the election authority shall be supervised by two election judges who must be selected by the election authority in the following order of priority: (1) from the panel of judges appointed for the precinct in which such facility is located, or from a panel of judges appointed for any other precinct within the jurisdiction of the election authority in the same ward or township, as the case may be, in which the facility is located or, only in the case where a judge or judges from the precinct, township or ward are unavailable to serve, (3) from a panel of judges appointed for any other precinct within the jurisdiction of the election authority. The two judges shall be from different political parties. Not less than 30 days before each regular election, the election authority shall have arranged with the chief administrative officer of each facility in his or its election jurisdiction a mutually convenient time period on the Friday, Saturday, Sunday or Monday immediately preceding the election for such voting on the premises of the facility and shall post in a prominent place in his or its office a notice of the agreed day and time period for conducting such voting at each facility; provided that the election authority shall not later than noon on the Thursday before the election also post the names and addresses of those facilities from which no applications were received and in which no supervised absentee voting will be conducted. All provisions of this Code applicable to pollwatchers shall be applicable herein. To the maximum extent feasible, voting booths or screens shall be provided to insure the privacy of the voter. Voting procedures shall be as described in Article 17 of this Code, except that ballots shall be treated as absentee ballots and shall not be

counted until the close of the polls on the following day. After the last voter has concluded voting, the judges shall seal the ballots in an envelope and affix their signatures across the flap of the envelope. Immediately thereafter, the judges shall bring the sealed

envelope to the office of the election authority who shall preserve the ballots in the office of the election authority in those jurisdictions that count absentee ballots in the office of the election authority or shall deliver the such ballots to the proper precinct polling places prior to the closing of the polls on the day of election in election jurisdictions that count absentee ballots in the polling place. Provided, that in election jurisdictions that count absentee ballots in the polling place the election authority may arrange for the judges who conduct such voting on the Monday before the election to deliver the sealed envelope directly to the proper precinct polling place on the day of election and shall announce such procedure in the 30 day notice heretofore prescribed. The judges of election shall also report to the election authority the name of any applicant in the facility who, due to unforeseen circumstance or condition or because of a religious holiday, was unable to vote. In this event, the election authority may appoint a qualified person from his or its staff to deliver the ballot to such applicant on the day of election. This staff person shall follow the same procedures prescribed for judges conducting absentee voting in such facilities; but shall return the ballot to the proper precinct polling place before the polls close. However, if the facility from which the application was made is also used as a regular precinct polling place for that voter, voting procedures heretofore prescribed may be implemented by 2 of the election judges of opposite party affiliation assigned to that polling place during the hours of voting on the day of the election. Judges of election shall be compensated not less than \$25.00 for conducting absentee voting in such facilities.

Not less than 120 days before each regular election, the Department of Public Health shall certify to the State Board of Elections a list of the facilities licensed or certified pursuant to the Nursing Home Care Act, and shall indicate the approved bed capacity and the name of the chief administrative officer of each such facility, and the State Board of Elections shall certify the same to the appropriate election authority within 20 days thereafter. (Source: P.A. 86-820; 86-875; 86-1028; 87-1052.)

(10 ILCS 5/19-15)

Sec. 19-15. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 19, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/20-2) (from Ch. 46, par. 20-2)

Sec. 20-2. Any member of the United States Service, otherwise

qualified to vote, who expects in the course of his duties to be absent from the county in which he resides on the day of holding any election may make application for an absentee ballot to the election authority having jurisdiction over his precinct of residence on the official postcard or on a form furnished by the election authority as prescribed by Section 20-3 of this Article not less than 10 days before the election. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot. No registration shall be required in order to vote pursuant to this Section.

Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise. Ballots voted under this Section must be returned ~~to the election authority~~ in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls in those jurisdictions that count absentee ballots in the office of the election authority.

(Source: P.A. 86-875.)

(10 ILCS 5/20-2.1) (from Ch. 46, par. 20-2.1)

Sec. 20-2.1. Citizens of the United States temporarily residing outside the territorial limits of the United States who are not registered but otherwise qualified to vote and who expect to be absent from their county of residence during the periods of voter registration provided for in Articles 4, 5 or 6 of this Code and on the day of holding any election, may make simultaneous application to the election authority having jurisdiction over their precinct of residence for an absentee registration and absentee ballot not less than 30 days before the election. Such application may be made on the official postcard or on a form furnished by the election authority as prescribed by Section 20-3 of this Article. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot.

Registration shall be required in order to vote pursuant to this Section. However, if the election authority receives one of such applications after 30 days but not less than 10 days before a Federal election, said applicant shall be sent a ballot containing the Federal offices only and registration for that election shall be waived.

Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise.

Ballots under this Section must be returned ~~to the election authority~~ in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in those jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls on election day in those jurisdictions that

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count absentee ballots in the office of the election authority.

(Source: P.A. 86-875.)

(10 ILCS 5/20-2.2) (from Ch. 46, par. 20-2.2)

Sec. 20-2.2. Any non-resident civilian citizen, otherwise qualified to vote, may make application to the election authority having jurisdiction over his precinct of former residence for an absentee ballot containing the Federal offices only not less than 10 days before a Federal election. Such application may be made only on the official postcard. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year at which Federal offices are filled. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year at which Federal offices are filled. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot. No registration shall be required in order to vote pursuant to this Section. Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise. Ballots under this Section must be returned ~~to the election authority~~ in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in those jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls on election day in those jurisdictions that count absentee ballots in the office of the election authority.

(Source: P.A. 86-875.)

(10 ILCS 5/20-7) (from Ch. 46, par. 20-7)

Sec. 20-7. Upon receipt of such absent voter's ballot, the officer or officers above described shall forthwith enclose the same unopened, together with the application made by said absent voter in a large or carrier envelope which shall be securely sealed and endorsed with the name and official title of such officer and the words, "This envelope contains an absent voter's ballot and must be opened on election day," together with the number and description of the precinct in which said ballot is to be voted, and such officer shall thereafter safely keep the same in his office until counted by him as provided in this Article ~~the next section~~.

The election authority may choose (i) to deliver the absentee ballots to the proper precinct polling place before the close of the polls on the election day to be counted by the precinct judges or

(ii) to have the absentee ballots counted in the office of the election authority by one or more panels of election judges appointed in the manner provided for in this Code and consisting of one judge from each of the 2 leading established political parties in this State.

(Source: P.A. 81-155.)

(10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

Sec. 20-8. (a) In election jurisdictions that count absentee ballots in the polling place, this subsection shall apply.

In case any such ballot is received by the election authority prior to the delivery of the official ballots to the judges of election of the precinct in which said elector resides, such ballot envelope and application, sealed in the carrier envelope, shall be enclosed in the same package with the other official ballots and therewith delivered to the judges of such precinct. In case the official ballots for such precinct have been delivered to the judges of election at the time of the receipt by the election authority of such absent voter's ballot, it shall immediately enclose said

envelope containing the absent voter's ballot, together with his application therefor, in a larger or carrier envelope which shall be securely sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which such absent voter is a qualified elector, and the words, "This envelope contains an absent voter's ballot and must be opened only on election day at the polls immediately after the polls are closed," mailing the same, postage prepaid, to such judges of election, or if more convenient he or it may deliver such absent voter's ballot to the judges of election in person or by duly deputized agent and secure his receipt for delivery of such ballot or ballots. Absent voter's ballots postmarked after 11:59 p.m. of the day immediately preceding the election returned to the election authority too late to be delivered to the proper polling place before the closing of the polls on the day of election shall be endorsed by the person receiving the same with the day and hour of receipt and shall be safely kept unopened by the election authority for the period of time required for the preservation of ballots used at such election, and shall then, without being opened, be destroyed in like manner as the used ballots of such election.

(b) All absent voters' ballots received by the election authority after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day, except ballots returned by mail postmarked after midnight preceding the opening of the polls on election day, shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters' ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision.

Such counting shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. Such counting shall continue until all absent voters' ballots received as aforesaid have been counted.

The procedures set forth in Section 19-9 of this Act and Articles

17 and 18 of this Code, shall apply to all absent voters' ballots counted under this provision; except that votes shall be recorded without regard to precinct designation.

Where ~~certain~~ absent voters' ballots are counted in the office of the election authority as provided in this Section, each political party, candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned.

(Source: P.A. 84-861.)

(10 ILCS 5/20-9) (from Ch. 46, par. 20-9)

Sec. 20-9. At the close of the regular balloting and at the close of the polls the judges of election of each voting precinct or the panel or panels of judges in the office of the election authority, as the case may be, shall proceed to cast the absent voter's ballot separately, and as each absent voter's ballot is taken shall open the outer or carrier envelope, announce the absent voter's name, and compare the signature upon the application with the signature upon the registration record card if the voter is registered or upon the certification on the ballot envelope if there is no registration card. In case the judges find the certifications properly executed, that the signatures correspond, that the applicant is a duly qualified elector in the precinct and the applicant has not been present and voted within the county where he represents himself to be a qualified elector on such election day, they shall open the envelope containing the absent voter's ballot in such manner as not to deface or destroy the certification thereon, or mark or tear the ballots therein and take out the ballot or ballots therein contained

without unfolding or permitting the same to be unfolded or examined, and having endorsed or initialed the ballot in like manner as other ballots are required to be endorsed, shall deposit the same in the proper ballot box or boxes and mark the voter's registration record card accordingly or file the application in lieu thereof. The judges shall place the absentee ballot certification envelopes in a separate envelope as per the direction of the election authority. Such envelope containing the absentee ballot certification envelopes shall be returned to the election authority and preserved in like manner as the official poll record.

In case the signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct or that the ballot envelope is open or has been opened and resealed (except for the purpose of military censorship), or that said voter is present and has voted within the county where he represents himself to be a qualified elector on the day of such election at such election such previously cast vote shall not be allowed, but without opening the absent voter's envelope the judge of such election shall mark across the face thereof, "Rejected", giving the reason therefor.

In case the ballot envelope contains duplicate ballots, said ballots shall not be counted, but shall be marked "Rejected", giving the reason therefor.

The absent voters' envelopes and certifications and the absent voters' envelope with its contents unopened, when such absent vote is rejected shall be retained and preserved in the manner as now

provided for the retention and preservation of official ballots rejected at such election.

(Source: P.A. 87-1052.)

(10 ILCS 5/20-15)

Sec. 20-15. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 20, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/24B-3)

Sec. 24B-3. Adoption, experimentation or abandonment of Precinct Tabulation Optical Scan Technology system; Boundaries of precincts; Notice. Except as otherwise provided in this Section, any county board, board of county commissioners and any board of election commissioners, with respect to territory within its jurisdiction, may adopt, experiment with, or abandon a Precinct Tabulation Optical Scan Technology voting system approved for use by the State Board of Elections and may use the Precinct Tabulation Optical Scan Technology voting system in all or some of the precincts within its jurisdiction, or in combination with paper ballots or voting machines. Any county board, board of county commissioners or board of election commissioners may contract for the tabulation of votes at a location outside its territorial jurisdiction when there is no

suitable tabulating equipment available within its territorial jurisdiction. In no case may a county board, board of county commissioners or board of election commissioners contract or arrange for the purchase, lease or loan of an electronic Precinct Tabulation Optical Scan Technology voting system or Precinct Tabulation Optical Scan Technology voting system component without the approval of the State Board of Elections as provided by Section 24B-16. However, the county board and board of county commissioners of each county having a population of 40,000 or more, with respect to all elections for which the county board or the county clerk is charged with the duty of providing materials and supplies, and each board of election commissioners in a municipality having a population of 40,000 or more, with respect to elections under its jurisdiction, must provide either Precinct Tabulation Optical Scan Technology voting systems approved for use by the State Board of Elections under this Article or voting systems under Article 24A, Article 24C, or Article 24 for

each precinct for all such elections except as provided in Section 24-1.2. For purposes of this Section 24B-3, the term "population" does not include persons prohibited from voting by Section 3-5 of this Code.

Before any such Precinct Tabulation Optical Scan Technology system is introduced, adopted or used in any precinct or territory at least 2 months public notice must be given before the date of the first election where the Precinct Tabulation Optical Scan Technology voting system is to be used. The election authority shall publish the notice at least once in one or more newspapers published within the county, or other jurisdiction, where the election is held. If there is no such newspaper, the notice shall be published in a newspaper published in the county and having a general circulation within such jurisdiction. The notice shall be substantially as follows:

Notice is hereby given that on ----(give date)----, at ----(give place where election is held)---- in the county of ----, an election will be held for ----(give name of offices to be filled)---- at which a Precinct Tabulation Optical Scan Technology electronic voting system will be used.

Dated at.... on (insert date). this ---- day of ---- 19----

This notice referred to shall be given only at the first election at which the Precinct Tabulation Optical Scan Technology voting machines or Precinct Tabulation Optical Scan Technology voting systems are used.

(Source: P.A. 89-394, eff. 1-1-97; revised 10-20-98.)

(10 ILCS 5/Art. 24C heading new)

ARTICLE 24C. DIRECT RECORDING
ELECTRONIC VOTING SYSTEMS

(10 ILCS 5/24C-1 new)

Sec. 24C-1. Purpose. The purpose of this Article is to authorize the use of Direct Recording Electronic Voting Systems approved by the State Board of Elections. In a Direct Recording Electronic Voting System, voters cast votes by means of a ballot display provided with mechanical or electro-optical devices that can be activated by the voters to mark their choices for the candidates of their preference and for or against public questions. The voting devices shall be capable of instantaneously recording the votes, storing the votes, and tabulating the votes at the precinct or at one or more counting stations. This Article does not apply to voting systems without voting defect identification technology capability. This Article authorizes the use of Direct Recording Electronic Voting Systems for both central counting and in-precinct counting applications.

(10 ILCS 5/24C-2 new)

Sec. 24C-2. Definitions. As used in this Article:

"Audit trail" means a continuous trail of evidence linking individual transactions related to the vote count with the summary record of vote totals, but that shall not allow for the identification of the voter. It shall permit verification of the accuracy of the count and detection and correction of problems and shall provide a record of each step taken in: defining and producing ballots and generating related software for specific elections;

installing ballots and software; testing system readiness; casting and tabulating ballots; and producing reports of vote totals. The record shall incorporate system status and error messages generated during election processing, including a log of machine activities and routine and unusual intervention by authorized and unauthorized individuals. Also part of an election audit trail is the documentation of such items as ballots delivered and collected, administrative procedures for system security, pre-election testing of voting systems, and maintenance performed on voting equipment.

"Ballot" means an electronic audio or video display or any other medium used to record a voter's choices for the candidates of his or her preference and for or against public questions.

"Ballot configuration" means the particular combination of political subdivision or district ballots including, for each political subdivision or district, the particular combination of offices, candidate names, and public questions as they appear for each group of voters who may cast the same ballot.

"Ballot image" means a corresponding representation in electronic form of the mark or vote position of a ballot.

"Ballot label" or "ballot screen" means the display of material containing the names of offices and candidates and public questions to be voted on.

"Central counting" means the counting of ballots in one or more locations selected by the election authority for the processing, counting, or both, of ballots. A location for central counting shall be within the territorial jurisdiction of the election authority unless there is no suitable tabulating equipment available within its territorial jurisdiction, provided, that in any event a counting location shall be within this State.

"Computer", "automatic tabulating equipment", or "equipment" includes (i) apparatus necessary to automatically examine and count votes as designated on ballots and (ii) data processing machines that can be used for counting ballots and tabulating results.

"Computer operator" means any person or persons designated by the election authority to operate the automatic tabulating equipment during any portion of the vote tallying process in an election, but shall not include judges of election operating vote tabulating equipment in the precinct.

"Computer program" or "program" means the set of operating instructions for the automatic tabulating equipment that examines, records, counts, tabulates, canvasses, and prints votes recorded by a voter on a ballot.

"Direct recording electronic voting system", "voting system", or "system" means the combination of equipment and programs that records votes by means of a ballot display provided with mechanical or electro-optical devices that can be activated by the voter, that processes the data by means of a computer program, that records voting data and ballot images in internal memory devices, and that produces a tabulation of the voting data as hard copy or stored in a removable memory device.

"Edit listing" means a computer generated listing of the names of each candidate and public question as they appear in the program for each precinct.

"In-precinct counting" means the recording and counting of

ballots on automatic tabulating equipment provided by the election authority in the same precinct polling place in which those ballots have been cast.

"Marking device" means a pen or similar device approved by the State Board of Elections for marking a ballot so as to enable the ballot to be recorded, counted, and tabulated by automatic tabulating equipment.

"Redundant count" means a verification of the original computer count of ballots by another count using compatible equipment or other means as part of a discovery recount.

"Separate ballot" means a separate page or display screen of the ballot that is clearly defined and distinguishable from other portions of the ballot.

"Voting defect identification" means the capability to detect overvoted ballots or ballots that cannot be read by the automatic tabulating equipment.

"Voting defect" means an overvoted ballot or a ballot that cannot be read by the automatic tabulating equipment.

"Voting device" or "voting machine" means an apparatus that contains the ballot label or ballot screen and allows the voter to record his or her vote.

(10 ILCS 5/24C-3 new)

Sec. 24C-3. Adoption, experimentation, or abandonment of Direct Recording Electronic Voting System; boundaries of precincts; notice. Except as otherwise provided in this Section, any county board, board of county commissioners, or board of election commissioners, with respect to territory within its jurisdiction, may adopt, experiment with, or abandon a Direct Recording Electronic Voting System approved for use by the State Board of Elections and may use the system in all or some of the precincts within its jurisdiction, or in combination with paper ballots or voting machines. Any county board, board of county commissioners, or board of election commissioners may contract for the tabulation of votes at a location outside its territorial jurisdiction when there is no suitable tabulating equipment available within its territorial jurisdiction. In no case may a county board, board of county commissioners, or board of election commissioners contract or arrange for the purchase, lease, or loan of a Direct Recording Electronic Voting System or system component without the approval of the State Board of Elections as provided by Section 24C-16. The county board and board of county commissioners of each county having a population of 40,000 or more, with respect to all elections for which the county board or the county clerk is charged with the duty of providing materials and supplies, and each board of election commissioners in a municipality having a population of 40,000 or more, with respect to elections under its jurisdiction, must provide either a Direct Recording Electronic Voting System approved for use by the State Board of Elections under this Article or voting systems under Article 24, Article 24A, or Article 24B for each precinct for all elections, except as provided in Section 24-1.2. For purposes of this Section "population" does not include persons prohibited from voting by Section 3-5 of this Code.

Before any Direct Recording Electronic Voting System is introduced, adopted, or used in any precinct or territory, at least 2 months public notice must be given before the date of the first election when the system is to be used. The election authority shall

publish the notice at least once in one or more newspapers published within the county, or other jurisdiction, where the election is held. If there is no such newspaper, the notice shall be published in a newspaper published in the county and having a general circulation within the jurisdiction. The notice shall be substantially as follows:

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"Notice is hereby given that on (give date), at (insert place where election is held) in the county of (insert county) an election will be held for (insert name of offices to be filled) at which a Direct Recording Electronic Voting System will be used."

Dated at ... (insert date)"

This notice referred to shall be given only at the first election at which the Direct Recording Electronic Voting System is used.

(10 ILCS 5/24C-3.1 new)

Sec. 24C-3.1. Retention, consolidation, or alteration of existing precincts; change of location. When a Direct Recording Electronic Voting System is used, the county board or board of election commissioners may retain existing precincts or may consolidate, combine, alter, decrease, or enlarge the boundaries of the precincts to change the number of registered voters of the precincts using the system, establishing the number of registered voters within each precinct at a number not to exceed 800 as the appropriate county board or board of election commissioners determines will afford adequate voting facilities and efficient and economical elections.

Except in the event of a fire, flood, or total loss of heat in a place fixed or established pursuant to law by any county board or board of election commissioners as a polling place for an election, no election authority shall change the location of a polling place established for any precinct after notice of the place of holding the election for that precinct has been given as required under Article 12, unless the election authority notifies all registered voters in the precinct of the change in location by first class mail in sufficient time for the notice to be received by the registered voters in the precinct at least one day prior to the date of the election.

(10 ILCS 5/24C-4 new)

Sec. 24C-4. Use of Direct Recording Electronic Voting System; requisites; applicable procedure. Direct Recording Electronic Voting Systems may be used in elections provided that the systems enable the voter to cast a vote for all offices and on all public questions for which he or she is entitled to vote, and that the systems have the capability to detect and identify voting defects and to notify the voter of any defects, and provided further that the systems are approved for use by the State Board of Elections.

So far as applicable, the procedure provided for voting paper ballots shall apply when Direct Recording Electronic Voting Systems are used. The provisions of this Article 24C will govern when there are conflicts.

(10 ILCS 5/24C-5 new)

Sec. 24C-5. Voting booths. In precincts where a Direct Recording Electronic Voting System is used, a sufficient number of voting booths shall be provided for the use of the system according to the

requirements determined by the State Board of Elections. Each booth shall be placed so that the entrance to each booth faces a wall in a manner that no judge of election or pollwatcher is able to observe a voter casting a ballot.

(10 ILCS 5/24C-5.1 new)

Sec. 24C-5.1. Instruction of voters. Before entering the voting booth each voter shall be offered instruction in using the Direct Recording Electronic Voting System. In instructing voters, no precinct official may show partiality to any political party or candidate. The duties of instruction shall be discharged by a judge from each of the political parties represented and they shall alternate serving as instructor so that each judge shall serve a like time at those duties. No instructions may be given after the voter has entered the voting booth.

No precinct official or person assisting a voter may in any

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manner request, suggest, or seek to persuade or induce any voter to cast his or her vote for any particular ticket, candidate, amendment, question, or proposition. All instructions shall be given by precinct officials in a manner that it may be observed by other persons in the polling place.

(10 ILCS 5/24C-5.2 new)

Sec. 24C-5.2. Demonstration of Direct Recording Electronic Voting System; placement in public library. When a Direct Recording Electronic Voting System is to be used in a forthcoming election, the election authority may provide, for the purpose of instructing voters in the election, one demonstrator Direct Recording Electronic Voting System unit for placement in any public library within the political subdivision where the election occurs. If the placement of a demonstrator takes place it shall be made available at least 30 days before the election.

(10 ILCS 5/24C-6 new)

Sec. 24C-6. Ballot information; arrangement; absentee ballots; spoiled ballots. The ballot information shall, as far as practicable, be in the order of arrangement provided for paper ballots, except that the information may be in vertical or horizontal rows or on a number of separate pages or display screens.

Ballots for all public questions to be voted on should be provided in a similar manner and must be arranged on the ballot in the places provided for those purposes. All public questions, including but not limited to public questions calling for a constitutional convention, constitutional amendment, or judicial retention, shall be placed on the ballot separate and apart from candidates. Ballots for all public questions shall be clearly designated by borders or different color screens. More than one amendment to the constitution may be placed on the same portion of the ballot sheet. Constitutional convention or constitutional amendment propositions shall be placed on a separate portion of the ballot and designated by borders or unique color screens, unless otherwise provided by administrative rule of the State Board of Elections. More than one public question may be placed on the same portion of the ballot. More than one proposition for retention of judges in office may be placed on the same portion of the ballot.

Below the name of the last candidate listed for an office shall be a space or spaces in which the name of a candidate or candidates may be written in or recorded by the voter. The number of write-in lines for an office shall equal the number of candidates for which a voter may vote.

The party affiliation, if any, of each candidate or the word "independent", where applicable, shall appear near or under the candidate's name, and the names of candidates for the same office shall be listed vertically under the title of that office. In the case of nonpartisan elections for officers of political subdivisions, unless the statute or an ordinance adopted pursuant to Article VII of the Illinois Constitution requires otherwise, the listing of nonpartisan candidates shall not include any party or "independent" designation. In primary elections, a separate ballot, shall be used for each political party holding a primary, with the ballot arranged to include names of the candidates of the party and public questions and other propositions to be voted upon on the day of the primary election.

If the ballot includes both candidates for office and public questions or propositions to be voted on, the election official in charge of the election shall divide the ballot in sections for "Candidates" and "Public Questions", or separate ballots may be used.

Any election authority using a Direct Recording Electronic Voting System may use voting systems approved for use under Articles 24A or

24B of this Code in conducting absentee voting in the office of the election authority or voted by mail.

Any voter who spoils his or her ballot, makes an error, or has a ballot rejected by the automatic tabulating equipment shall be provided a means of correcting the ballot or obtaining a new ballot prior to leaving the polling place.

(10 ILCS 5/24C-6.1 new)

Sec. 24C-6.1. Security designation. In all elections conducted under this Article, ballots shall have a security designation. In precincts where more than one ballot configuration may be voted upon, ballots shall have a different security designation for each ballot configuration. If a precinct has only one possible ballot configuration, the ballots must have a security designation to identify the precinct and the election. Where ballots from more than one precinct are being tabulated, the ballots from each precinct must be clearly identified; official results shall not be generated unless the precinct identification for any precinct corresponds. When the tabulating equipment being used requires entering the program immediately before tabulating the ballots for each precinct, the precinct program may be used. The Direct Recording Electronic Voting System shall be designed to ensure that the proper ballot is selected for each polling place and that the format can be matched to the software or firmware required to interpret it correctly. The system shall provide a means of programming each piece of equipment to reflect the ballot requirements of the election and shall include a means for validating the correctness of the program and of the program's installation in the equipment or in a programmable memory device.

(10 ILCS 5/24C-7 new)

Sec. 24C-7. Write-in ballots. A Direct Recording Electronic Voting System shall provide an acceptable method for a voter to vote for a person whose name does not appear on the ballot using the same apparatus used to record votes for candidates whose name do appear on the ballot. Election authorities utilizing Direct Recording Electronic Voting Systems shall not use separate write-in ballots.

(10 ILCS 5/24C-8 new)

Sec. 24C-8. Preparation for use; comparison of ballots; operational checks of Direct Recording Electronic Voting Systems equipment; pollwatchers. The county clerk or board of election commissioners shall cause the approved Direct Recording Electronic Voting System equipment to be delivered to the polling places. Before the opening of the polls, all Direct Recording Electronic Voting System devices shall provide a printed record of the following, upon verification of the authenticity of the commands by a judge of election: the election's identification data, the equipment's unit identification, the ballot's format identification, the contents of each active candidate register by office and of each active public question register showing that they contain all zeros, all ballot fields that can be used to invoke special voting options, and other information needed to ensure the readiness of the equipment, and to accommodate administrative reporting requirements.

The Direct Recording Electronic Voting System shall provide a means of opening the polling place and readying the equipment for the casting of ballots. Those means shall incorporate a security seal, a password, or a data code recognition capability to prevent inadvertent or unauthorized actuation of the poll-opening function. If more than one step is required, it shall enforce their execution in the proper sequence.

Pollwatchers as provided by law shall be permitted to closely observe the judges in these procedures and to periodically inspect the Direct Recording Electronic Voting System equipment when not in

use by the voters.

(10 ILCS 5/24C-9 new)

Sec. 24C-9. Testing of Direct Recording Electronic Voting System equipment and programs; custody of programs, test materials, and ballots. Prior to the public test, the election authority shall conduct an errorless pre-test of the Direct Recording Electronic Voting System equipment and programs to determine that they will correctly detect voting defects and count the votes cast for all offices and all public questions. On any day not less than 5 days prior to the election day, the election authority shall publicly test the Direct Recording Electronic Voting System equipment and programs to determine that they will correctly detect voting defects and count the votes cast for all offices and on all public questions. Public notice of the time and place of the test shall be given at least 48 hours before the test by publishing the notice in one or more newspapers within the election jurisdiction of the election authority, if a newspaper is published in that jurisdiction. If a newspaper is not published in that jurisdiction, notice shall be published in a newspaper of general circulation in that jurisdiction.

Timely written notice stating the date, time, and location of the public test shall also be provided to the State Board of Elections. The test shall be open to representatives of the political parties, the press, representatives of the State Board of Elections, and the public. The test shall be conducted by entering a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots having votes exceeding the number allowed by law to test the ability of the automatic tabulating equipment to reject the votes. The test shall also include producing an edit listing. In those election jurisdictions where in-precinct counting equipment is used, a public test of both the equipment and program shall be conducted as nearly as possible in the manner prescribed above.

The State Board of Elections may select as many election jurisdictions that the Board deems advisable in the interests of the election process of this State to order a special test of the automatic tabulating equipment and program before any regular election. The Board may order a special test in any election jurisdiction where, during the preceding 12 months, computer programming errors or other errors in the use of the system resulted in vote tabulation errors. Not less than 30 days before any election, the State Board of Elections shall provide written notice to those selected jurisdictions of its intent to conduct a test. Within 5 days of receipt of the State Board of Elections' written notice of intent to conduct a test, the selected jurisdictions shall forward to the principal office of the State Board of Elections a copy of all specimen ballots. The State Board of Elections' tests shall be conducted and completed not less than 2 days before the public test using testing materials supplied by the Board and under the supervision of the Board, and the Board shall reimburse the election authority for the reasonable cost of computer time required to conduct the special test. After an errorless test, materials used in the public test, including the program, if appropriate, shall be sealed and remain sealed until the test is run again on election day. If any error is detected, the cause of the error shall be determined and corrected, and an errorless public test shall be made before the automatic tabulating equipment is approved. Each election authority shall file a sealed copy of each tested program to be used within its jurisdiction at an election with the State Board of Elections before the election. The Board shall secure the program or programs of each election jurisdiction so filed in its office for the 60 days

following the canvass and proclamation of election results. At the expiration of that time, if no election contest or appeal is pending in an election jurisdiction, the Board shall return the sealed program or programs to the election authority of the jurisdiction. Except where in-precinct counting equipment is used, the test shall be repeated immediately before the start of the official counting of the ballots, in the same manner as set forth above. After the completion of the count, the test shall be re-run using the same program. Immediately after the re-run, all material used in testing the program and the programs shall be sealed and retained under the

custody of the election authority for a period of 60 days. At the expiration of that time the election authority shall destroy the voted ballots, together with all unused ballots returned from the precincts, provided, that if any contest of election is pending at the time in which the ballots may be required as evidence and the election authority has notice of the contest, the ballots shall not be destroyed until after the contest is finally determined. If the use of back-up equipment becomes necessary, the same testing required for the original equipment shall be conducted.

(10 ILCS 5/24C-10 new)

Sec. 24C-10. Recording of votes by Direct Recording Electronic Voting Systems. Whenever a Direct Recording Electronic Voting System is used to automatically record and count the votes on ballots, the provisions of this Section shall apply. A voter shall cast a proper vote on a ballot by marking the designated area for the casting of a vote for any party or candidate or for or against any public question. For this purpose, a mark is an intentional selection of the designated area on the ballot by appropriate means and that is not otherwise an identifying mark.

(10 ILCS 5/24C-11 new)

Sec. 24C-11. Functional requirements. In an election jurisdiction which has adopted a Direct Recording Electronic Voting System, the system shall, in addition to satisfying the other requirements of this Article, perform the following functions:

(1) Provide a voter in a primary election with the means of casting a ballot containing votes for any and all candidates of the party or parties of his or her choice, and for any and all non-partisan candidates and public questions. In a general election, the system shall provide the voter with means of selecting the appropriate number of candidates for any office and of voting on any public question on the ballot for which he or she is entitled to vote.

(2) If a voter is not entitled to vote for particular candidates or public questions appearing on the ballot, the system shall prevent the selections of the prohibited votes.

(3) Once the voter has selected a proper ballot, the system devices shall provide a means of enabling the recording of votes and the casting of the ballot.

(4) System voting devices shall provide labels indicating the names of every candidate and the text of every public question on the voter's ballot. Each label shall identify the selection button or switch or the active area of the ballot associated with it. The devices shall enable the voter to vote for any and all candidates and public questions appearing on the ballot in any legal number and combination. The voter shall be able to delete or change his or her selections before the ballot is cast. A means shall be provided to indicate each selection after it has been made or canceled.

(5) System voting devices shall provide a means for the voter to signify that the selection of candidates and public questions has been completed. Upon activation, the system shall

record an image of the completed ballot, shall increment the

proper ballot position registers, and shall signify to the voter that the ballot has been cast. The system shall then prevent any further attempt to vote until it has been reset or re-enabled by a judge of election.

(6) Each system voting device shall be equipped with a public counter that can be set to zero prior to the opening of the polling place and that records the number of ballots cast during that particular election. The counter shall be incremented only by the casting of a ballot. The counter shall be designed to prevent disabling or resetting by other than authorized persons after the polls close. The counter shall be visible to all judges of election so long as the device is installed at the polling place.

(7) Each system voting device shall be equipped with a protective counter that records all of the testing and election ballots cast since the unit was built. This counter shall be designed so that its reading cannot be changed by any cause other than the casting of a ballot. The protective counter shall be incapable of ever being reset and shall be visible at all times when the device is configured for testing, maintenance, or election use.

(8) All system devices shall provide a means of preventing further voting once the polling place has closed and after all eligible voters have voted. The means of control shall incorporate a visible indication of system status. The device shall preclude the re-opening once the poll closing has been completed for that election.

(9) The system shall produce a printed summary report of the votes cast upon each voting device. Until the proper sequence of events associated with closing the polling place has been completed, the system shall not allow the printing of a report or the extraction of data. The printed report shall also contain all system audit information required by the election authority. Data shall not be altered or otherwise destroyed by report generation and the system shall ensure the integrity and security of data for a period of at least 6 months after the polls close.

(10) If more than one voting device is used in a polling place, the system shall provide a means to manually or electronically consolidate the data from all such units into a single report even if different voting systems are used to record absentee ballots.

(11) System functions shall be implemented such that unauthorized access to them is prevented and the execution of authorized functions in an improper sequence is precluded. System functions shall be executable only in the intended manner and order and only under the intended conditions. If the preconditions to a system function have not been met, the function shall be precluded from executing by the system's control logic.

(12) All system voting devices shall incorporate at least 3 memories in the machine itself and in its programmable memory devices.

(13) The system shall include capabilities of recording and reporting the date and time of normal and abnormal events and of maintaining a permanent record of audit information that cannot be turned off. Provisions shall be made to detect and record

significant events (e.g., casting a ballot, error conditions that cannot be disposed of by the system itself, time-dependent or programmed events that occur without the intervention of the

voter or a judge of election).

(14) The system must maintain an image of each ballot that is cast such that records of individual ballots are maintained by a subsystem independent and distinct from the main vote detection, interpretation, processing, and reporting path. The electronic images of each ballot must protect the integrity of the data and the anonymity of each voter, for example, by means of storage location scrambling. The ballot image records may be either machine-readable, manually transcribed, or both, at the discretion of the election authority.

(15) The system shall include built-in test, measurement, and diagnostic software and hardware for detecting and reporting the system's status and degree of operability.

(16) The system shall contain provisions for maintaining the integrity of memory voting and audit data during an election and for a period of at least 6 months thereafter and shall provide the means for creating an audit trail.

(17) The system shall be designed to permit blind or visually impaired voters, as well as physically disabled voters, to exercise their right to vote in private and without assistance.

(10 ILCS 5/24C-12 new)

Sec. 24C-12. Procedures for counting and tallying of ballots. In an election jurisdiction where a Direct Recording Electronic Voting System is used, the procedures in this Section for counting and tallying the ballots shall apply.

Before the opening of the polls, the judges of elections shall assemble the voting equipment and devices and turn the equipment on. The judges shall, if necessary, take steps to actuate the voting devices and counting equipment by inserting into the equipment and voting devices appropriate data cards containing passwords and data codes that will select the proper ballot formats for that polling place and that will prevent inadvertent or unauthorized actuation of the poll-opening function. Before voting begins and before ballots are entered into the voting devices, the judges of election shall cause to be printed a record of the following: (i) the election's identification data, (ii) the device's unit identification, (iii) the ballot's format identification, (iv) the contents of each active candidate register by office and of each active public question register showing that they contain all zeros, (v) all ballot fields that can be used to invoke special voting options, and (vi) other information needed to ensure the readiness of the equipment and to accommodate administrative reporting requirements. The judges must also check to be sure that the totals are all zeros in the counting columns and in the public counter affixed to the voting devices.

After the judges have determined that a person is qualified to vote, the judges shall enable a voting device to be used by the voter and the proper ballot to which the voter is entitled shall be selected. The ballot may then be cast by the voter by marking by

appropriate means the designated area of the ballot for the casting of a vote for any candidate or for or against any public question. The voter shall be able to vote for any and all candidates and public measures appearing on the ballot in any legal number and combination and the voter shall be able to delete or change his or her selections before the ballot is cast. The voter shall be able to select candidates whose names do not appear upon the ballot for any office by entering electronically as many names of candidates as the voter is entitled to select for each office.

Upon completing his or her selection of candidates or public questions, the voter shall signify that voting has been completed by activating the appropriate button, switch, or active area of the

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ballot screen associated with end of voting. Upon activation, the voting system shall record an image of the completed ballot, shall increment the proper ballot position registers, and shall signify to the voter that the ballot has been cast. The voter shall exit the voting station and the voting system shall prevent any further attempt to vote until it has been re-activated by the judges of election.

Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or public question on the voting or counting equipment. The equipment shall be programmed so that no person may reset the equipment for reentry of ballots unless provided a code from an authorized representative of the election authority.

In election jurisdictions that deliver absentee ballots to the precinct polling place to be counted by the precinct judges of election, the absentee ballots shall be examined immediately after the closing of the polls by the precinct judges of election to determine that the ballots comply with Sections 19-9 and 20-9 of this Code and are entitled to be counted and deposited in the ballot box. Those ballots entitled to be counted shall be initialed by the precinct judges of election and deposited in the ballot box. Those not entitled to be counted and deposited in the ballot box shall be marked "Rejected" and disposed of as provided in Sections 19-9 and 20-9.

The precinct judges of election shall then open the ballot box and count the number of absentee ballots therein to determine if the number agrees with the number of absent voters voting as shown by the applications for absentee ballot or, if the same do not agree, the judges shall make the ballots agree with the applications for absentee ballot in the manner provided by Section 17-18 of the Code. The judges of election shall then examine all absentee ballots in the ballot box to determine whether the ballots, including ballot card envelopes where applicable, contain the initials of a precinct judge of election. If any ballot or ballot card envelope is not initialed, it shall be marked on the back "Defective", initialed by all judges immediately under the word "Defective", and not counted. The judges of election shall place an initialed blank official ballot in the place of the defective ballot so that the count of the ballots to be counted will be the same, and each "Defective Ballot" and "Replacement" ballot shall contain the same serial number which shall

be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The original "Defective" ballot shall be placed in the "Defective Ballot Envelope" provided for that purpose.

The judges of election shall then examine all absentee ballots entitled to be counted for write-in votes. When the voter has cast a write-in vote, the judges of election shall compare the write-in vote with the votes on the ballot to determine whether the write-in results in an overvote for any office. In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on the ballot except for the office which is overvoted. The original ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each such "Overvoted Ballot" as well as its "Replacement" shall contain the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The "Overvoted Ballot" shall be placed in an envelope provided for that purpose labeled "Duplicate Ballot" envelope and the judges of election shall initial the "Replacement" ballots and shall place them

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with the other ballots to be counted. Absentee ballots containing write-in votes marked in the place designated therefor and containing the initials of a precinct judge of election and not resulting in an overvote and otherwise complying with the election laws as to marking shall be counted.

If the election jurisdiction chooses to count absentee ballots using Direct Recording Electronic Voting System voting devices, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make the true duplicate of the ballot by transferring all votes other than overvotes into the Direct Recording Electronic Voting System voting devices. If the election jurisdiction chooses to count absentee ballots using equipment of a system other than a Direct Recording Electronic Voting System, the judges of election shall count those ballots in accordance with the provisions of Article 24A or 24B of this Code, as the case may be. The judges of election shall then deposit such absentee ballots in the ballot box.

If any absentee ballot is to be counted using equipment of a system other than a Direct Recording Electronic Voting System and is damaged or defective so that it cannot properly be counted by the equipment, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on the ballot in accordance with the provisions of Article 24A or Article 24B, as the case may be. If a damaged ballot, the original ballot shall be clearly labeled "Damaged Ballot" and the ballot so produced shall be clearly labeled "Duplicate Damaged Ballot", and each shall contain the same serial number which shall be placed by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot and shall enter

the duplicate damaged ballot into the automatic tabulating equipment. The "Damaged Ballots" shall be placed in the "Duplicated Ballots" envelope.

The precinct judges of election shall check the public register to determine whether the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the applications for ballot. If the same do not agree, the judges of election shall immediately contact the offices of the election authority in charge of the election for further instructions. If the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the application for ballot, the number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated and 4 copies of a "Certificate of Results" shall be printed by the automatic tabulating equipment. One copy shall be posted in a conspicuous place inside the polling place and every effort shall be made by the judges of election to provide a copy for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots. In no case shall the number of copies to be made available to pollwatchers be fewer than 4 chosen by lot by the judges of election. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy that has been posted.

If instructed by the election authority, the judges of election shall cause the tabulated returns to be transmitted electronically to the offices of the election authority via modem or other electronic medium.

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed

container, along with all other election materials and equipment as instructed by the election authority; provided, however, that the container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose in a manner that the ballots cannot be removed from the container without breaking the seal or filament tape and disturbing any signatures affixed by the election judges to the container. The election authority shall keep the office of the election authority, or any receiving stations designated by the authority, open for at least 12 consecutive hours after the polls close or until the ballots and election material and equipment from all precincts within the jurisdiction of the election authority have been returned to the election authority. Ballots and election materials and equipment returned to the office of the election authority that are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections. Upon acceptance of the ballots and election materials and equipment by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots and election materials and equipment as provided shall, in the event the ballots,

materials, or equipment cannot be found when needed, on proper request, produce the receipt that they are to take as above provided.

(10 ILCS 5/24C-13 new)

Sec. 24C-13. Proceedings at location for central counting; employees; approval of list. All proceedings at the location for central counting shall be under the direction of the county clerk or board of election commissioners. Except for any specially trained technicians required for the operation of the Direct Recording Electronic Voting System, the employees at the counting station shall be equally divided between members of the 2 major political parties and all duties performed by the employees shall be by teams consisting of an equal number of members of each political party. Thirty days before an election the county clerk or board of election commissioners shall submit to the county chairman of the county central committee of each political party, for his or her approval or disapproval, a list of persons of his or her party proposed to be employed. If a chairman fails to notify the election authority of his or her disapproval of any proposed employee within a period of 10 days thereafter, the list shall be deemed approved.

(10 ILCS 5/24C-14 new)

Sec. 24C-14. Tabulating votes; direction; presence of public; computer operator's log and canvass. The procedure for tabulating the votes by the Direct Recording Electronic Voting System shall be under the direction of the election authority and shall conform to the requirements of the Direct Recording Electronic Voting System. During any election-related activity using the automatic Direct Recording Electronic Voting System equipment, the election authority shall make a reasonable effort to dedicate the equipment to vote processing to ensure the security and integrity of the system.

A reasonable number of pollwatchers shall be admitted to the counting location. Persons may observe the tabulating process at the discretion of the election authority; however, at least one representative of each established political party and authorized agents of the State Board of Elections shall be permitted to observe this process at all times. No persons except those employed and authorized for the purpose shall touch any ballot, ballot box, return, or equipment.

The computer operator shall be designated by the election authority and shall be sworn as a deputy of the election authority.

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In conducting the vote tabulation and canvass, the computer operator must maintain a log which shall include the following information:

(1) alterations made to programs associated with the vote counting process;

(2) if applicable, console messages relating to the program and the respective responses made by the operator;

(3) the starting time for each precinct counted, the number of ballots counted for each precinct, any equipment problems and, insofar as practicable, the number of invalid security designations encountered during that count; and

(4) changes and repairs made to the equipment during the vote tabulation and canvass.

The computer operator's log and canvass shall be available for

public inspection in the office of the election authority for a period of 60 days following the proclamation of election results. A copy of the computer operator's log and the canvass shall be transmitted to the State Board of Elections upon its request and at its expense.

(10 ILCS 5/24C-15 new)

Sec. 24C-15. Official return of precinct; check of totals; audit. The precinct return printed by the Direct Recording Electronic Voting System tabulating equipment shall include the number of ballots cast and votes cast for each candidate and public question and shall constitute the official return of each precinct. In those election jurisdictions that choose to count absent voter's ballots in the office of the election authority, absentee ballots may be tabulated with or without a precinct designation. In addition to the precinct return, the election authority shall provide the number of applications for ballots in each precinct, the total number of ballots counted in each precinct for each political subdivision and district, and the number of registered voters in each precinct. The election authority shall check the totals shown by the precinct return and, if there is an obvious discrepancy regarding the total number of votes cast in any precinct, shall have the ballots for that precinct audited to correct the return. The procedures for this audit shall apply prior to and after the proclamation is completed; however, after the proclamation of results, the election authority must obtain a court order to unseal voted ballots except for election contests and discovery recounts. The certificate of results, that has been prepared and signed by the judges of election in the polling place after the ballots have been tabulated, shall be the document used for the canvass of votes for the precinct. Whenever a discrepancy exists during the canvass of votes between the unofficial results and the certificate of results, or whenever a discrepancy exists during the canvass of votes between the certificate of results and the set of totals reflected on the certificate of results, the ballots for that precinct shall be audited to correct the return.

Prior to the proclamation, the election authority shall test the voting devices and equipment in 5% of the precincts within the election jurisdiction. The precincts to be tested shall be selected after election day on a random basis by the election authority, so that every precinct in the election jurisdiction has an equal mathematical chance of being selected. The State Board of Elections shall design a standard and scientific random method of selecting the precincts that are to be tested, and the election authority shall be required to use that method. The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the chairman of the county central committee of each established political party, and qualified civic organizations shall be given prior written notice of the time and place of the random selection procedure and may be represented at the procedure.

The test shall be conducted by entering a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots that have votes in excess of the

number allowed by law to test the ability of the equipment to reject those votes. If any error is detected, the cause shall be determined and corrected, and an errorless count shall be made prior to the official canvass and proclamation of election results.

The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the chairman of the county central committee of each established political party, and qualified civic organizations shall be given prior written notice of the time and place of the test and may be represented at the test.

The results of this post-election test shall be treated in the same manner and have the same effect as the results of the discovery procedures set forth in Section 22-9.1 of this Code. Upon completion of the test, the election authority shall print a report showing the results of the test and any errors encountered and the report shall be made available for public inspection.

(10 ILCS 5/24C-15.01 new)

Sec. 24C-15.01. Transporting ballots to central counting station; container. Upon completion of the tabulation, audit, or test of voting equipment pursuant to Sections 24C-11 through 24C-15, the voting equipment and ballots from each precinct shall be replaced in the container in which they were transported to the central counting station. If the container is not a type that may be securely locked, then each container, before being transferred from the counting station to storage, shall be sealed with filament tape wrapped around the container lengthwise and crosswise, at least twice each way, and in a manner that the equipment and ballots cannot be removed from the container without breaking the tape.

(10 ILCS 5/24C-15.1 new)

Sec. 24B-15.1. Discovery recounts and election contests. Discovery recounts and election contests shall be conducted as otherwise provided for in this Code. The Direct Recording Electronic Voting System equipment shall be tested prior to the discovery recount or election contest as provided in Section 24C-9 and then the official ballots shall be audited.

Any person who has filed a petition for discovery recount may request that a redundant count be conducted in those precincts in which the discovery recount is being conducted. The additional costs of a redundant count shall be borne by the requesting party.

The log of the computer operator and all materials retained by the election authority in relation to vote tabulation and canvass shall be made available for any discovery recount or election contest.

(10 ILCS 5/24C-16 new)

Sec. 24C-16. Approval of Direct Recording Electronic Voting Systems; requisites. The State Board of Elections shall approve all Direct Recording Electronic Voting Systems provided by this Article.

No Direct Recording Electronic Voting System shall be approved unless it fulfills the following requirements:

(1) It enables a voter to vote in absolute secrecy, except in the case of voters who receive assistance as provided in this Code.

(2) It enables each voter to vote at an election for all persons and offices for whom and for which the voter is lawfully entitled to vote, to vote for as many persons for an office as the voter is entitled to vote for, and to vote for or against any public question upon which the voter is entitled to vote, but no other.

(3) It will detect and reject all votes for an office or upon a public question when the voter has cast more votes for the office or upon the public question than he or she is entitled to cast; provided, however, that it will inform a voter that the voter's choices as recorded on the ballot for an office or public question exceeds the number that the voter is entitled to vote for on that office or public question and will offer the voter an opportunity to correct the error before rejecting the choices recorded on the voter's ballot.

(4) It will enable each voter in primary elections to vote only for the candidates of the political party with which he or she had declared affiliation and preclude the voter from voting for any candidate of any other political party.

(5) It enables a voter to vote a split ticket selected in part from the nominees of one party, in part from the nominees of any or all parties, in part from independent candidates, and in part of candidates whose names are written in by the voter.

(6) It enables a voter, at a Presidential election, by a single selection to vote for the candidates of a political party for Presidential electors.

(7) It will prevent anyone voting for the same person more than once for the same office.

(8) It will record and count accurately each vote properly cast for or against any candidate and for or against any public question, including the names of all candidates whose names are written in by the voters.

(9) It will be capable of merging the vote tabulation results produced by other vote tabulation systems, if necessary.

(10) It will provide a means for sealing and resealing the vote recording devices to prevent their unauthorized use and to prevent tampering with ballot labels.

(11) It will be suitably designed for the purpose used, be durably constructed, and be designed for safety, accuracy, and efficiency.

(12) It will be designed to accommodate the needs of elderly, handicapped, and disabled voters.

(13) It will enable a voter to vote for a person whose name does not appear on the ballot.

(14) It will be designed to ensure that vote recording devices or electronic tabulating equipment that count votes at the precinct will not be capable of reporting vote totals before the close of the polls.

(15) It will provide an audit trail.

The State Board of Elections is authorized to withdraw its approval of a Direct Recording Electronic Voting System if the system fails to fulfill the above requirements.

No vendor, person, or other entity may sell, lease, or loan a Direct Recording Electronic Voting System or system component to any election jurisdiction unless the system or system component is first approved by the State Board of Elections pursuant to this Section.

(10 ILCS 5/24C-17 new)

Sec. 24C-17. Rules; number of voting booths. The State Board of

Elections may make reasonable rules for the administration of this Article and may prescribe the number of voting booths required for the various types of voting systems.

(10 ILCS 5/24C-18 new)

Sec. 24C-18. Specimen ballots; publication. When a Direct Recording Electronic Voting System is used, the election authority shall cause to be published, at least 5 days before the day of each general and general primary election, in 2 or more newspapers published in and having a general circulation in the county, a true

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and legible copy of the specimen ballot containing the names of offices, candidates, and public questions to be voted on, as near as may be, in the form in which they will appear on the official ballot on election day. A true legible copy may be in the form of an actual size ballot and shall be published as required by this Section if distributed in 2 or more newspapers published and having a general circulation in the county as an insert. For each election prescribed in Article 2A of this Code, specimen ballots shall be made available for public distribution and shall be supplied to the judges of election for posting in the polling place on the day of election. Notice for the consolidated primary and consolidated elections shall be given as provided in Article 12.

(10 ILCS 5/24C-19 new)

Sec. 24C-19. Additional method of voting. This Article shall be deemed to provide a method of voting in addition to the methods otherwise provided in this Code.

(10 ILCS 5/24C-20 new)

Sec. 24C-20. Voting defect identification capabilities. An election authority is required to use the voting defect identification capabilities of the automatic tabulating equipment."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Luechtefeld, **House Bill No. 1909** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1909 on page 3, line 23, by replacing "2009" with "2004"; and on page 3, line 28, by replacing "2009" with "2004".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Maitland, **House Bill No. 2013** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2013 on page 1, by replacing lines 21 through 23 with the following:
~~"who have completed the prior scholastic courses in the university in which the eligible recipient is to enroll in a Reserve Officer's Training Corps program."~~

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Noland, **House Bill No. 2044** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **House Bill No. 2125** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 2196** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Rauschenberger, **House Bill No. 2198** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Klemm, **House Bill No. 2261** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **House Bill No. 2281** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hawkinson, **House Bill No. 2303** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Klemm, **House Bill No. 2698** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2698 on page 1, by replacing lines 1 and 2 with the following:

"AN ACT to amend the Township Code."; and

on page 1, by replacing line 6 with the following:

"Sections 115-5, 115-20, 115-30, 115-35, 115-40, and 115-55 as follows:"; and

on page 2, below line 23, by inserting the following:

"(60 ILCS 1/115-20)

Sec. 115-20. Referendum on recommended plan; petition.

(a) If the board recommends adoption of the open space plan, or if a petition is filed by not less than 5% or 50, whichever is greater, of the registered voters of the township (according to the voting registration records at the time the petition is filed) recommending adoption of the open space plan, then the Board, within 30 days of making of the recommendation or the filing of the petition, shall file a petition with the township clerk, requesting the clerk to submit to the voters of the township the question of

whether the township shall adopt the open space plan and enter upon an open space program, with the power to acquire open land by purchase, condemnation (except townships in counties having a population of more than 150,000 but not more than 250,000), or otherwise in the township and with the power to issue bonds for those purposes under this Article. The township clerk shall certify that proposition to the proper election officials, who shall submit the proposition to the township voters at the next regular election. The referendum shall be conducted and notice given in accordance with the general election law.

(b) The question submitted to the voters at the election shall be in substantially the following form:

Shall (name of township) adopt the open space plan considered at the public hearing on (date) and enter upon an open space program, and shall the Township Board have the power (i) to acquire open land by purchase, (insert ", condemnation," if the township is in a county having a population of more than 250,000), or otherwise, (ii) to issue bonds for open space purposes in an amount not exceeding 5% of the valuation of all taxable property in the township, and (iii) to levy a tax to pay the principal of and interest on those bonds, as provided in Article 115 of the Township Code?

The votes shall be recorded as "Yes" or "No".

(c) If a majority of the voters voting at the election on the question vote in favor of the question, the township shall thereafter adopt the open space plan recommended by the board or by the petition

of the registered voters of the township and shall enter upon an open space program under this Article. If the proposition does not receive the approval of a majority of the voters voting at the election on the question, no proposition may be submitted to the voters under this Section less than 23 months after the date of the election.

(Source: P.A. 85-1140; 88-62.)

(60 ILCS 1/115-30)

Sec. 115-30. Property within municipality; petition; referendum.

(a) If the open space plan recommended for adoption under Section 115-20 contains property that is situated within the corporate boundaries of a municipality, the corporate authorities of the municipality may, within 30 days of the recommendation, vote to authorize the board of a township in a county having a population of more than 250,000 to acquire by condemnation property that is situated within the municipality's corporate boundaries. If the corporate authorities of the municipality fail to act within that 30 day period, then none of the property included in the open space plan that is situated within the municipality shall be acquired by the board by condemnation. The municipality's failure to act constitutes a denial of authority to acquire that property by condemnation.

(b) If, within 30 days of the decision of the municipality to either authorize or deny the board the authority to acquire by condemnation that property included in the open space plan that is situated within the corporate boundaries of the municipality, a petition is filed with the township clerk, signed by not less than 15% of the registered voters of the municipality residing within the

township (according to the voting registration records at the time the petition is filed), requesting that the question of whether the board shall be granted authority to acquire property within its corporate boundaries by condemnation be submitted to the voters of the municipality residing within the township, then the question shall be submitted to those voters in the form of a proposition. The petition shall state the public question to be submitted and contain a common description of the territory in plain and nonlegal language. The description shall describe the territory by reference to streets, natural or artificial landmarks, addresses, or any other method that would enable a voter signing the petition to be informed of the territory proposed to be acquired.

(c) The township clerk shall certify the proposition to the proper election officials, who shall submit the proposition to the voters of the municipality who reside within the township. The referendum shall appear on the ballot at the same election as the referendum required in Section 115-20. Except as otherwise provided in this Section, the referendum shall be conducted and notice given in accordance with the general election law. The question submitted to the voters at the election shall be in substantially the following form:

Shall the Township Board of (name of township in a county having a population of more than 250,000) have the authority to acquire by condemnation open land that is situated within the corporate boundaries of (name of municipality) for open space purposes?

The votes shall be recorded as "Yes" or "No".

(d) The election authority shall include on the ballot the description of the territory proposed to be acquired as set forth in the petition. If the election authority determines that the description cannot be included within the space limitations of the ballot, the election authority shall prepare large printed copies of a notice of the public question that include the description. The notice shall be prominently displayed in the polling place of each precinct in which the question is to be submitted.

(e) If a majority of the voters voting at the election on the question vote in favor of the question, then the board may acquire by condemnation open land that is situated within the corporate boundaries of the municipality and included in the open space plan recommended for adoption under Section 115-20.

(f) If the corporate authorities of a municipality deny the board the authority to acquire by condemnation property that is situated within the municipality's boundaries and the referendum does not appear on the ballot at the election specified in this Section, or if the proposition fails to receive the vote of a majority of the voters voting on the question, then the board may not acquire the property by condemnation.

(Source: P.A. 85-1140; 88-62.)

(60 ILCS 1/115-35)

Sec. 115-35. Property contiguous to municipality; petition; referendum.

(a) If the open space plan recommended for adoption under

Section 115-20 contains property that is contiguous to the corporate boundaries of one or more municipalities, the corporate authorities of any of those municipalities may, within 30 days of the recommendation, vote to authorize the board of a township in a county having a population of more than 250,000 to acquire by condemnation property that is contiguous to the municipality's corporate boundaries. If the corporate authorities of a municipality fail to act within that 30 day period, then none of the property included in the open space plan that is contiguous to a municipality shall be acquired by the board by condemnation. The municipality's failure to act constitutes a denial of authority to acquire that property by condemnation.

(b) If, within 30 days of the decision of the municipality to either authorize or deny the board the authority to acquire by condemnation that property included in the open space plan that is contiguous to the corporate boundaries of the municipality, a petition is filed with the township clerk, signed by not less than 15% of the registered voters of the township (according to the voting registration records at the time the petition is filed), requesting that the question of whether the board shall be granted authority to acquire property contiguous to the corporate boundaries of the municipality by condemnation be submitted to the voters of the township, then the question shall be submitted to those voters in the form of a proposition. The petition shall state the public question to be submitted and contain a common description of the territory proposed to be acquired in plain and nonlegal language. The description shall describe the territory by reference to streets, natural or artificial landmarks, addresses, or any other method that would enable a voter signing the petition to be informed of the territory proposed to be acquired.

(c) The township clerk shall certify the proposition to the proper election officials, who shall submit the proposition to the voters of the township. The referendum shall appear on the ballot at the same election as the referendum required in Section 115-20. Except as otherwise provided in this Section, the referendum shall be conducted and notice given in accordance with the general election law. The question submitted to the voters at the election shall be in substantially the following form:

Shall the Township Board of (name of township in a county having a population of more than 250,000) have the authority to acquire by condemnation open land that is contiguous to the corporate boundaries of (name of municipality) for open space purposes?

The votes shall be recorded as "Yes" or "No".

(d) The election authority shall include on the ballot the description of the territory proposed to be acquired as set forth in the petition. If the election authority determines that the description cannot be included within the space limitations of the ballot, the election authority shall prepare large printed copies of a notice of the public question that includes the description. The notice shall be prominently displayed in the polling place of each precinct in which the question is to be submitted.

(e) If a majority of the voters voting at the election on the question vote in favor of the question, then the board may acquire by condemnation open land that is contiguous to the corporate boundaries of the municipality or municipalities and included in the open space plan recommended for adoption under Section 115-20.

(f) If the corporate authorities of a municipality deny the board the authority to acquire by condemnation property that is contiguous to the municipality's boundaries and the referendum does not appear on the ballot at the election specified in this Section, or if the proposition fails to receive the vote of a majority of the voters voting on the proposition, then the board may not acquire the property by condemnation.

(g) For purposes of this Section, "contiguous" means contiguous for purposes of annexation under Article 7 of the Illinois Municipal Code.

(Source: P.A. 85-1140; 88-62.)

(60 ILCS 1/115-40)

Sec. 115-40. Later submission of proposition to include property. If in a township in a county having a population of more than 250,000 a parcel of land cannot be acquired by condemnation because it was not approved at an election under either Section 115-30 or 115-35, that parcel can again be included in a proposition only if (i) the procedures set forth in Section 115-15 relating to amendments that add property to existing open space plans have been followed and (ii) not less than 23 months have elapsed since the date of the election at which the voters failed to approve the acquisition of the parcel by condemnation.

(Source: P.A. 85-1140; 88-62.)

(60 ILCS 1/115-55)

Sec. 115-55. (a) The board may acquire by gift, legacy, purchase, condemnation in the manner provided for the exercise of the right of eminent domain under Article VII of the Code of Civil Procedure and except as otherwise provided in this subsection, lease, agreement, or otherwise the fee or any lesser right or interest in real property that is open land and may hold that property with or without public access for open space, scenic roadway, pathway, outdoor recreation, or other conservation benefits. No township in a county having a population of more than 150,000 but not more than 250,000 has authority under this Article to acquire property by condemnation, and no other township, however, has authority under this Article to acquire by condemnation (i) property that is used for farming or agricultural purposes; (ii) property that is situated within the corporate limits of a municipality or contiguous to one or more municipalities unless approval to acquire the property by condemnation is obtained under Section 115-30 or 115-35; (iii) property upon which development has commenced; or (iv) property owned by a religious organization, church, school, or charitable organization exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986 or similar provisions of any successor law, or any other organization controlled by or affiliated with such a religious organization, church, school, or charitable organization.

(b) For purposes of this Section:

(1) "Development" of property is deemed to have commenced if (i) at least 30 days before the filing of a petition under Section 115-10, an application for a preliminary plan or preliminary planned unit development has been filed with the applicable governmental entity or, if neither is required, a building permit has been obtained at least 30 days before the filing of a petition under Section 115-10; (ii) mass grading of the property has commenced; and (iii) within 180 days of the date the open space plan is recommended for approval by the board under Section 115-5 or by petition of the voters under Section 115-20, 115-30, or 115-35, the installation of public improvements has commenced.

(2) "Contiguous" means contiguous for purposes of annexation under Article 7 of the Illinois Municipal Code.

(3) Real property is deemed used for farming or agricultural purposes if it is more than 10 acres in area and devoted primarily to (i) the raising and harvesting of crops, (ii) the feeding, breeding, and management of livestock, (iii) dairying, or (iv) any other agricultural or horticultural use or combination of those uses, with the intention of securing substantial income from those activities, and has been so used for the 3 years immediately preceding the filing of a condemnation action. Real property used for farming or agricultural purposes includes land devoted to and qualifying for payments or other compensation under a soil conservation program under an agreement with an agency of the federal government and also includes the construction and use of dwellings and other buildings customarily associated with farming and agricultural uses when associated with those uses.

(c) If a township's acquisitions of open land, or interests in open land when combined with other lands in the township held for open space purposes by other governmental entities, equals 30% of the total acreage of the township, then the township may not acquire additional open land by condemnation.

(d) Any parcel of land that is included in an open space plan adopted by a township that has not been acquired by the township under this Section within 3 years, or within 2 years with respect to existing open space programs, after the later of (i) July 29, 1988, or (ii) the date of the passage of the referendum may not thereafter be acquired by condemnation by the township under this Section, except that if an action in condemnation to acquire the parcel is filed under this Section within that 3 year or 2 year period, as applicable, the parcel may be acquired by condemnation by the township notwithstanding the fact that the condemnation action may not be concluded within the 3 year or 2 year period, as applicable. Notwithstanding the foregoing, if a parcel of land cannot be acquired by condemnation under subsection (a) because of its use for farming or agricultural purposes, the 3 year or 2 year period, as applicable, shall be tolled until the date the parcel ceases to be used for farming or agricultural purposes. Notwithstanding the foregoing, the fee or any lesser right or interest in real property that is open land may be acquired after the 3 year or 2 year period, as applicable, by any means authorized under subsection (a) other than condemnation.

(Source: P.A. 85-1140; 86-1191; 88-62.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Geo-Karis, **House Bill No. 2708** having been printed, was taken up and read by title a second time.

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The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2708 by replacing the title with the following:

"AN ACT to amend the Criminal Code of 1961 by adding Section 11-9.4."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by adding Section 11-9.4 as follows:

(720 ILCS 5/11-9.4 new)

Sec. 11-9.4. Presence within child care facility zone by child sex offenders prohibited.

(a) It is unlawful for a child sex offender to knowingly be present in any child care facility or on real property comprising any child care facility while persons under the age of 18 are present in the facility or on the grounds or to knowingly loiter on a public way within 500 feet of a child care facility or the real property comprising a child care facility while persons under the age of 18 are present in the facility or on the grounds, unless the offender:

(1) is a parent or guardian of a person under 18 years of age present in the facility or on the grounds; or

(2) has permission to be present from the director or chief administrative officer of the child care facility.

(b) Definitions. In this Section:

(1) "Child sex offender" means any person who:

(i) has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph (2) of this subsection (b) or the attempt to commit an included sex offense, and:

(A) is convicted of that offense or an attempt to commit that offense; or

(B) is found not guilty by reason of insanity of that offense or an attempt to commit that offense; or

(C) is found not guilty by reason of insanity under subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of that offense or an attempt to commit that offense; or

(D) is the subject of a finding not resulting in an acquittal at a hearing conducted under to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of that offense; or

(E) is found not guilty by reason of insanity following a hearing conducted under a federal law or

the law of another state substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of that offense or of the attempted commission of that offense; or

(F) is the subject of a finding not resulting in an acquittal at a hearing conducted under a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of that offense; or

(ii) is certified as a sexually dangerous person under the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to the certification is

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committed or attempted against a person less than 18 years of age; or

(iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, must be counted for the purpose of this Section as one conviction. Any conviction set aside under law is not a conviction for purposes of this Section.

(2) "Sex offense" means:

(i) A violation of any of the following Sections of the Criminal Code of 1961: 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9 (public indecency when committed in a school, on the real property comprising a school, or on a conveyance, owned, leased, or contracted by a school to transport students to or from school or a school related activity), 11-9.1 (sexual exploitation of a child), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 11-21 (harmful material), 12-14.1 (predatory criminal sexual assault of a child), 12-33 (ritualized abuse of a child), 11-20 (obscenity) (when that offense was committed in any school, on real property comprising any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-15 (criminal sexual abuse), 12-16 (aggravated criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under

18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).
An attempt to commit any of these offenses.

(3) A conviction for an offense of federal law or the law of another state that is substantially equivalent to any offense listed in paragraph (2) of this subsection (b) shall constitute a conviction for the purpose of this Section. A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act constitutes an adjudication for the purposes of this Section.

(4) "Child care facility" means a facility described in Section 2.05 of the Child Care Act of 1969 that is licensed under that Act.

(5) "Loiter" means to stand or sit idly on a public way within 500 feet of a child care facility or the real property comprising a child care facility, whether or not the person is in a vehicle or remaining in or around the child care facility.

(c) Sentence. A person who violates this Section is guilty of a

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Class 4 felony."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator W. Jones, **House Bill No. 2753** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 2771** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, **House Bill No. 2783** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 2823** having been printed, was taken up and read by title a second time.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2823 on page 1, line 28, by inserting after "3." the following:

"The spouse and children of a person who may elect under this paragraph 1 to furnish the address of the headquarters of the government entity or police district where the person works instead of the person's residence address may, if they reside with that person, also elect to furnish the address of the headquarters of the government entity or police district where the person works as their residence address, in which case that address shall be deemed to be

their residence address for all purposes under this Chapter 3."; and on page 3, line 27, by inserting after "address." the following:
"If, in accordance with Section 3-405, the spouse and children of a police officer, deputy sheriff, elected sheriff, law enforcement officer for the Department of State Police, or fire investigator have furnished the address of the office of the headquarters of the governmental entity or police district where the police officer, deputy sheriff, elected sheriff, law enforcement officer for the Department of State Police, or fire investigator works instead of their residence address, the spouse and children shall notify the Secretary of State of their old address and new address within 10 days after the police officer, deputy sheriff, elected sheriff, law enforcement officer for the Department of State Police, or fire investigator is no longer employed by that governmental entity or police district as a police officer, deputy sheriff, elected sheriff, law enforcement officer for the Department of State Police, or fire investigator."

AMENDMENT NO. 1. Amend House Bill 2823 on page 1, line 28, by inserting after "3." the following:

"The spouse and children of a person who may elect under this paragraph 1 to furnish the address of the headquarters of the government entity or police district where the person works instead of the person's residence address may, if they reside with that person, also elect to furnish the address of the headquarters of the government entity or police district where the person works as their residence address, in which case that address shall be deemed to be their residence address for all purposes under this Chapter 3."; and on page 3, line 27, by inserting after "address." the following:

"If, in accordance with Section 3-405, the spouse and children of a police officer, deputy sheriff, elected sheriff, law enforcement officer for the Department of State Police, or fire investigator have furnished the address of the office of the headquarters of the

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governmental entity or police district where the police officer, deputy sheriff, elected sheriff, law enforcement officer for the Department of State Police, or fire investigator works instead of their residence address, the spouse and children shall notify the Secretary of State of their old address and new address within 10 days after the police officer, deputy sheriff, elected sheriff, law enforcement officer for the Department of State Police, or fire investigator is no longer employed by that governmental entity or police district as a police officer, deputy sheriff, elected sheriff, law enforcement officer for the Department of State Police, or fire investigator."

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

INTRODUCTION OF A BILL

SENATE BILL NO. 1233. Introduced by Senator Maitland, a bill for AN ACT to amend the Illinois Pension Code.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 109

Offered by Senator Clayborne and all Senators:
Mourns the death of Walter Douglas "Shang" Greathouse, of Granite City.

SENATE RESOLUTION NO. 110

Offered by Senator Clayborne and all Senators:
Mourns the death of Mr. Ernest Neely of East St. Louis.

SENATE RESOLUTION NO. 111

Offered by Senator Geo-Karis and all Senators:
Mourns the death of Mary Welton of Gurnee.

SENATE RESOLUTION NO. 112

Offered by Senator Geo-Karis and all Senators:
Mourns the death of Kay Sandra Finn of Winthrop Harbor.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Karpziel announced that there will be a Republican caucus immediately upon adjournment.

Senator Smith announced that there will be a Democrat caucus immediately upon adjournment.

JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 541

At the hour of 12:50 o'clock p.m., on motion of Senator Weaver, the Senate stood adjourned until Thursday, May 6, 1999 at 11:00 o'clock a.m.